

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 557 OF 2024**

1. Mr. Sanket Manikraj Landge
Age: 27 years, Occ: Service,
2. Mrs. Kamal Manikraj Landge
Age: 53 years, Occ: Teacher,
Residing at-B-1/5 Om Siddhivinayak,
Haji Malang Road, Omkar Nagar,
Netiwali, Kalyan (East) 421306
Also residing at C-302, Sarvoday Paradise,
C-Wing, Near Bhanusagar talkies,
Behind Kalyan Station Platform No.1,
Kalyan (W) Dist-Thane 421301Petitioners

Vs.

1. Varsha Sanket Landge
@ Varsha Sharad Dumbre
Age: 27 years, Occ: Housewife,
Residing at- Danji Patkar Chawl,
Khindipada Dargah Road,
Near Municipal School, Mulund (W),
Mumbai 400 082
2. The State of Maharashtra,
Through Bhandup Police StationRespondents

Mr. Abhishek P. Kase, for the Petitioners.
Ms. Supriya Y. Kadam, for Respondent No.1.
Mr. V.N.Sagre, for Respondent No.2-State.

**CORAM : A. S. GADKARI AND
DR NEELA GOKHALE, JJ.**
DATE : 12th AUGUST, 2024.

JUDGMENT (Per Dr. Neela Gokhale, J) :-

- 1) Petitioners, i.e., husband and mother-in-law of the Respondent

No.2 respectively, have filed present Petition under Article 226 of the Constitution of India for quashing of RCC No.289/PW/2023 pending before the 53rd Court, Judicial Magistrate First Class, Mulund arising out of FIR No.306 of 2022 dated 11th May 2022 registered with Bhandup Police Station, Mumbai for the offences punishable under Sections 498-A, 377, 406 504 read with 34 of the Indian Penal Code, 1860 ('IPC').

2) It is the case of the Respondent No.2 that, she was married to the Petitioner No.1 on 8th December 2020. They started residing at Kalyan, the matrimonial home. It is her say that right from the beginning of the marriage, the Petitioners treated her with utmost amount of mental and physical cruelty. There was considerable matrimonial discord between the parties leading the Respondent No.1 to lodge the subject FIR.

3) The parties have now decided to amicably resolve the disputes by dissolving their marriage. They have thus filed Consent Terms dated 29th August 2023 before the Civil Judge Senior Division at Kalyan in M.P. No.353 of 2022.

4) Advocate Abhishek Kase appears for the Petitioners and Advocate Supriya Kadam represents the Respondent No.1. Mr. V.N. Sagare, learned APP represents the State.

5) Both the Advocates contend that considering the decision of the parties to resolve their dispute by amicable settlement, the subject FIR be quashed. The Respondent No.1 has filed a Consent Affidavit dated 8th

December 2023 duly affirmed before a Notary Public. In paragraph 7 thereof, the Respondent No.1 has stated that, she does not want to proceed further with the registered FIR vide C.R.No.306 of 2022 with Bhandup Police Station under Sections 377, 498A, 504 read with 34 of the IPC dated 11th May 2022. In paragraph 9 thereof, the Respondent No.1 has given her no objection to quash the subject FIR since they have mutually divorced each other and residing separately.

6) Respondent No.1 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 8th December 2023 and her 'no objection' for quashing of the crime in question.

7) In these circumstances, RCC No.289/PW/2023 pending before the 53rd Court, Judicial Magistrate First Class, Mulund arising out of FIR No.306 of 2022 dated 11th May 2022 registered with Bhandup Police Station, Mumbai are quashed and set aside.

7.1) The Petition is accordingly allowed in terms of prayer clause (a).

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)