

rajshree

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL WRIT PETITION NO.5570 OF 2024**

|                      |   |    |            |
|----------------------|---|----|------------|
| Nitish Toprani       | ] | .. | Petitioner |
| vs.                  |   |    |            |
| State of Maharashtra | ] | .. | Respondent |

**ALONGWITH  
CRIMINAL WRIT PETITION NO.5574 OF 2024**

|                             |   |    |             |
|-----------------------------|---|----|-------------|
| Jaini Toprani & Ors.        | ] | .. | Petitioners |
| vs.                         |   |    |             |
| State of Maharashtra & Anr. | ] | .. | Respondents |

Mr.Robin Fernandes a/w Anoushka Thangkhiew and Ankita Pachouri i/b Vesta Legal for the petitioner in WP No.5570/2024.

Mr.Vijay Hiremath for the Petitioners in WP No.5574/2024.

Mr.Nikhil Ghate for Respondent No.2.

Mr.J.P. Yagnik, APP for the State.

**CORAM : BHARATI DANGRE &  
MANJUSHA DESHPANDE, JJ**

**DATE : 10<sup>th</sup> DECEMBER, 2024.**

**P.C.**

1. Two Writ Petitions listed before us are liable to be disposed off in the wake of an amicable resolution of the discord between the Parties, as on the complaint lodged by Respondent No.2-Wife, CR No.745/2023 came to be registered with MIDC Police Station invoking Section 406,

498A, 504, 506 read with 34 of the Indian Penal Code against the Petitioner-Husband i.e. Nitish Toprani ( Petitioner in WP No.5570/2024), as well as his parents Jaini Toprani and Tushar Toprani and cousin Vineet Mathradas (Petitioners in WP No.5574/2024).

2. When the Petitions were listed before this Court on 20/12/2023, notice was issued to Respondent No.2 and it was directed that no coercive action shall be initiated against the Petitioners and this order continue to operate till date, as a result, no charge sheet is filed.

3. During the pendency of these Writ Petitions, the Parties arrived at an amicable settlement and pursuant thereto Consent Terms dated 28/11/2024 were tendered in the Family Court at Bandra in Petition No.1623/2024, filed by the Respondent No.2 against the Petitioner Nitish Toprani.

The Consent Terms specifically record that the Petition filed by Krishna Mehta shall be converted into a Petition for mutual consent and the arrangement worked out between the Parties is specifically set out in the Consent Terms. Pursuant thereto, Respondent No.2 has filed Affidavit in this Court, being affirmed on 10/12/2024, which make a reference to the Consent Terms dated 28/11/2024 filed before the Family Court at Bandra.

In addition, the deponent of the the Affidavits make following statement :-

“3. I say that I have withdrawn all allegations made against the Petitioner, his parents and/or his cousin and do not wish to pursue/ prosecute the said F.I.R.

4. I say that I am fully conversant and aware about the fact that I am submitting my no objection for quashing the complaint vide CR Number 745/2023, 406, 498-A, 504, 506 read with 34 of the Indian Penal Code, 1860 registered with MIDC Police Station, Mumbai.

5. I say that I have no objection whatsoever nature if the said Complaint, F.I.R. and/or Police Case is quashed as against all the accused therein.

6. I say I am filing the present Affidavit and consent on my own free will without any fear, force, coercion, pressure and/or under influence.”

4. Two distinct Affidavits filed in the two Writ Petitions are taken on record.

Respondent No.2 Krishna Mehta, is present in the Court and her identity is established through her counsel.

The Petitioner Nitish as well as his parents who are Petitioners in WP No.5574/2024 except Petitioner No.3, are present before the Court. Their identity is also established through their Advocate.

5. When we specifically queried with Respondent No.2 about the statement made in the Affidavit, she make a categorical statement that in the wake of settlement, she is not desirous of pursuing the complaint filed by her, which has resulted into CR No.745/2023 against the Petitioners and she expressed her no objection, in case the complaint/FIR is quashed and set aside.

Since in the matrimonial dispute between the Petitioners in the two Writ Petitions and Respondent No.2, has been resolved amicably, we have no hesitancy in quashing the FIR as the allegations levelled are personal in nature restricted only to the Petitioners and since the complainant has agreed that she do not want to press the allegations in the wake of the understanding arrived between the Parties and the Consent Terms thereof being placed before the Family Court, resulting into the process being initiated for dissolution of their marriage. The understanding reached between the Parties is specifically recorded in the Consent Terms, and in light of the same, we deem it appropriate to

quash and set aside the subject FIR against all the Petitioners in WP No.5570 and 5574/2024.

However, this shall be subject to payment of costs of Rs.10,000/- each, to be deposited by the Petitioners, within a period of two weeks from today, in favour of Association of Parents of Mentally Retarded Children, bearing Account No. 00000010884930648, State Bank of India, J.K. Gram, Thane, IFSC Code : SBIN0009056.

Writ Petitions are made absolute in terms of its prayer clauses.

**(MANJUSHA DESHPANDE, J)**

**(BHARATI DANGRE, J.)**