



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2788 OF 2024

1. Archit Rajeev Pitale,
Aged 35 years, Indian Inhabitant,
Occupation: Business, residing at
Flat No.10, Archana Building,
Dixit cross Road No.2, Vile Parle (E),
Mumbai – 400 057.
2. Rajeev Jalandar Pitale,
Aged 67 years, Indian Inhabitant,
Occupation: Business, residing at
Flat No.10, Archana Building,
Dixit cross Road No.2, Vile Parle (E),
Mumbai – 400 057.
3. Bina Rajeev Pitale,
Aged 63 years, Indian Inhabitant,
Occupation: Housewife, residing at
Flat No.10, Archana Building,
Dixit cross Road No.2, Vile Parle (E),
Mumbai – 400 057.

.....Petitioners

Vs.

1. The State of Maharashtra,
(Through Vile Parle Police Station).
2. Jai Archit Pitale alias Jai Patankar,
Age: 33, Occupation: Housewife,
Resident of Flat No.10, Archana Building,
Dixit cross Road No.2, Vile Parle (E),
Mumbai – 400 057.
Presently Residing at Sahyog, Plot No.9,
Government Colony, Vishram Baug, Sangli,
Maharashtra 416 415.

.....Respondents

Mr. Kaushal Tamhane, i/b. Dhanuka and Partners for Petitioners.
Mr. A. I. Satpute, APP, for Respondent No.1-State.
Mr. Nihar Chitre, for Respondent No.2.
Mr. Archit Pitale, Petitioner No.1 is present in Court.

CORAM : A. S. GADKARI AND
DR NEELA GOKHALE, JJ.
DATE : 2nd JULY, 2024.

JUDGMENT (Per Dr. Neela Gokhale) :-

1) Rule. Rule is made returnable forthwith. With consent of the parties, matter is taken up for final disposal.

1.1) Learned APP waives notice on the Respondent No. 1- State. Mr. Kaushal Tamhane and Mr. Nihar Chitre, learned counsel represent the Petitioners and the Respondent No.2 respectively.

2) Petitioners seek to quash and set aside criminal proceedings bearing C.C.No.1194/PW/2021 pending before the Metropolitan Magistrate, 65th Court, Andheri, Mumbai, arising out of C.R.No.451 of 2020 registered with Vile Parle Police Station dated 13th November 2020 for offenses punishable under Sections 498-A, 323, 504 and 506 r/w 34 of the Indian Penal Code, 1860 ("IPC") filed by the Respondent No.2 ("Original Complainant").

3) Petitioner No.1 is the husband of Respondent No.2 and Petitioners No.2 and 3 are the mother-in-law and father-in-law of the complainant respectively.

4) It is the contention of the parties that on account of some misunderstandings between them, the complainant filed the FIR leading to the impugned proceedings. However, now they have cleared the

misunderstanding and are desirous of settling the matter. In fact they state that the Petitioner No. 1 and the complainant/Respondent No.2 have filed Consent Terms dated 16th December 2023 at Family Court, Bandra in Petition No.F/120/2024 and have agreed to amicably settle all the matrimonial disputes and accordingly sought dissolution of their marriage under Section 13-B of the Hindu Marriage Act, 1955.

5) The complainant/Respondent No.2 has filed consent Affidavit dated 25th June 2024 attested before a Notary Public. She specifically states in paragraph 6 of the consent Affidavit that she has given her consent as per her own free will to quash the criminal proceedings against the Petitioners. On instructions, Mr. Chitre, learned counsel for the complainant/Respondent No.2 states that in view of the settlement, complainant has no objection to quash the Criminal proceedings before the Metropolitan Magistrate, 65th Court, Andheri.

6) The Petition is accordingly allowed. The criminal proceedings being the C.C.No.1194/PW/2021 pending before the Metropolitan Magistrate, 65th Court, Andheri, arising out of C.R.No.451 of 2020 registered with the Vile Parle Police Station dated 13th November 2020 are hereby quashed and set aside.

7) Rule is accordingly made absolute in the aforesaid terms.

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)