



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2869 OF 2024

1. Chandrashekhar s/o. Shivlal Vaishnav,
Age: 34 years, Occu: Service,
Permanently resident of House 395 C,
Aquem Baixo, Shanti Nagar,
Rawafond Navelim, Salcete South Goa,
Goa – 403 601.

2. Shivlal s/o. Chunnilal Vaishnav,
Age : 71 years, Occu: Retired,

3. Phensi w/o. Shivlal Vaishnav,
Aged: 60 years, Occu: Housewife,

4. Prakash s/o. Shivlal Vaishnav,
Aged: 44 years, Occu: Service,

5. Sushila w/o. Prakash Vaishnav,
Aged: 44 years, Occu: Housewife,

The Petitioner Nos.2 to 5 are permanent
Resident of 606, Sutharoka Vaas,
Bijowa Pali, State- Rajasthan – 306 601.

6. Babita @ Jaya w/o. Natwarlal,
@ Nattu Vaishnav,
Aged: 41 years, Occu: Housewife,

7. Natwarlal @ Nattu s/o. Manikdas Vaishnav,
Age: 46 years, Occu: Service,

The Petitioner Nos.6 and 7 are permanent
resident of House No.395-C, Aquem Baixo,
Shanti Nagar, Rawafond Navelim,
Salcete South Goa, Goa – 403 601.

.....Petitioners

Vs.

1. The State of Maharashtra,
Through Senior inspector of Police,
Navghar Police Station,
Tal: & Dist: Thane,
in F.I.R. No.512 of 2022 pending as
R.C.C. No.2131 of 2023 before the
learned Court of 7th Joint Civil Judge
J.D. J.M.F.C., at Thane.
2. Manisha w/o. Chandrashekhar Vaishnav,
Age: 27, Occu: Housewife,
R/o: Room No.710, B Wing,
Upwan Building, Queens Park,
Near Deepak Hospital, Bhayander (East),
Dist.: Thane – 401 105.Respondents

Mr. Aniket Pardeshi, for the Petitioners.
Smt. Madhavi H. Mhatre, APP, for Respondent No.1-State.
Mr. Vivek Rane, for Respondent No.2.

**CORAM : A. S. GADKARI AND
DR NEELA GOKHALE, JJ.
DATE : 3rd JULY, 2024.**

JUDGMENT (Per Dr. Neela Gokhale) :-

- 1) Rule. Rule is made returnable forthwith and with consent of the parties, matter is taken up for final disposal.
- 1.1) Learned APP waives notice on behalf of the Respondent No.1-State and learned counsel Mr. Vivek Rane represents the Respondent No.2 (“Original Complainant”).
- 2) The Applicants seek to quash and set aside R.C.C. No.2131 of 2023 pending before learned 7th Joint Civil Judge Junior Division and Judicial Magistrate First Class at Thane arising out of FIR bearing No. 512 of 2022 dated 6th July 2022 registered with Navghar Police Station, Thane

for offences punishable under Sections 498-A, 406, 323, 504 and 506 of the Indian Penal Code, 1860 ("IPC").

3) The Petitioner No. 1 is the husband of the complainant. The Petitioner Nos.2, 3, 4, 5 and 6 are father-in-law, mother-in-law, brother-in-law and sisters-in-law of the complainant respectively. Petitioner No.7 is the husband of Petitioner No.6. According to the complainant, Petitioner No.1 married her on 27th April 2018. There was some acrimony and marital discord between the parties which led the complainant to lodge the aforesaid FIR with the Navghar Police Station, Thane.

4) It appears that in the interregnum, the parties decided to amicably resolve their disputes. The Petitioner No.1 filed a Petition for divorce before the learned Additional District Judge at Desuri, Pali, Rajasthan and the complainant filed a Restitution Petition under Section 9 of the Hindu Marriage Act, 1955 before learned Civil Judge Senior Division at Thane bearing No.140 of 2022. Complainant also filed PWDVA Application No.336 of 2022 under Section 12, 17, 18, 19 20, 21, 22 and 23 of the Protection of Women from Domestic Violence Act, 2005 before the learned 11th Joint Civil Judge Junior Division and Judicial Magistrate First Class, Thane.

5) A copy of the Consent Terms dated 25th January 2024 is filed with the Petition itself. In paragraph 15 thereof, complainant has agreed and consented to quash the R.C.C. No.2131 of 2023 pending before learned

7th Joint Civil Judge Junior Division and Judicial Magistrate First Class at Thane arising out of FIR bearing No. 512 of 2022 dated 6th July 2022 registered with Naghar Police Station, Thane for offences punishable under Sections 498-A, 406, 323, 504 and 506 of the I.P.C.

6) Additionally, the complainant has also filed consent Affidavit dated 15th April 2024. In the consent Affidavit the complainant has stated that she wishes to withdraw all the allegations against the Petitioners and is not desirous of pursuing present proceedings/prosecution against them.

7) Mr. Rane, learned Advocate for complainant on instructions reiterates the contents of the consent Affidavit. He further states that, in view of the settlement, the complainant has no objection to quash the criminal proceedings pending against the Petitioners.

8) Thus the FIR bearing No.512 of 2022 dated 6th July 2022 registered with Navghar Police Station, Thane for offences punishable under Sections 498-A, 406, 323, 504 and 506 of the I.P.C and the consequential proceedings bearing R.C.C.No.2131 of 2023 pending before the learned 7th Joint Civil Judge Junior Division and Judicial Magistrate First Class at Thane are quashed and set aside.

8.1) The Petition is accordingly, allowed.

9) Rule is accordingly, made absolute in the aforesaid terms.

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)