

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2918 OF 2024

Sammeer Dilip Sonawane & Ors.

.....Petitioners

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Shivam P. Srivastav, with Mr. Adarsh Mishra, for the Petitioners.

Mr. Vinod Chate, APP for Respondent No.1-State.

Mr. S.S.Ambedkar, i/b Ms. Vishakha Potdar for Respondent No.2.

**CORAM : SARNAG V. KOTWAL AND
DR. NEELA GOKHALE, JJ.**

DATE : 8th OCTOBER 2024.

P.C.:-

1) This Petition is filed by the Petitioners for quashing the FIR registered vide C.R.No. 70 of 2020 at Kopari Police Station, Thane under Sections 498-A, 406, 323, 504, 506 read with 34 of the Indian Penal Code, 1860 ('IPC') which has resulted in criminal proceeding bearing R.C.C. No. 799 of 2021 pending before the Chief Judicial Magistrate, Thane.

2) The gist of the FIR is that the Respondent No.2, who is the First Informant got married with the Petitioner No.1 on 5th June 2019. Petitioners No.2 and 3 are parents of the Petitioner No.1 and the Petitioner No.4 is his brother. Allegations in the FIR pertain to various

instances when there were disputes between the Respondent No.2 and the Petitioner No.1. There was an allegation about demand of some money by the Petitioner No.1. Allegations against the other Petitioners are that they had always overlooked the harassment caused by the Petitioner No.1 to the Respondent No.2 and in fact had encouraged the same. On this basis, the impugned FIR is lodged. Investigation was carried out, charge-sheet was filed resulting in criminal proceedings bearing R.C.C. No. 799 of 2021.

3) Subsequently, now the matter is settled between the parties and the Respondent No.2 has filed her affidavit-in-reply dated 29th April 2024 wherein it is mentioned that she had filed complaint against the Petitioners due to disputes and temperamental differences between them but now these differences have been amicably resolved and the matter has been settled. In paragraph 4, she has clearly stated that she does not want to prosecute her complaint being C.R.No.70 of 2020 registered against the Petitioners at Kopari Police Station and that she has no objection if the present Petition is allowed.

4) Respondent No.2 is present in the Court and is identified by her counsel. She also states that she has no objection for quashing of the FIR and the consequent criminal proceeding arising from it.

5) Considering that the dispute between the parties is of personal nature and continuation of the prosecution will be an abuse of process of law, we are inclined to quash the impugned FIR and the criminal proceeding culminating from the same and hence, we pass the following order:

- (i) Petition is allowed.
- (ii) FIR registered vide C.R.No. 70 of 2020 at Kopari Police Station, Thane and the consequent criminal proceeding bearing R.C.C. No. 799 of 2021 pending before the Chief Judicial Magistrate, Thane are quashed and set aside.
- 6) Petition is disposed of accordingly.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)

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