

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.3063 OF 2024

Subhash Sahebrao Deshmukh
and others

.....Petitioners

Versus

The State of Maharashtra
and another

.....Respondents

Mr. Aditya A. Joshi, Advocate i/b. Purav J. Damania, for the
Petitioners.

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

Mr. Kanhaiya S. Yadav, Advocate for the Respondent No.2.

**CORAM : SARANG V. KOTWAL &
DR.NEELA GOKHALE, JJ.**

DATE : 04th DECEMBER, 2024

PC. :

1. This is a Petition for quashing of M.E.C.R. No.1/2010 dated 6.1.2010 registered at Samata Nagar Police Station, Mumbai.

2. The FIR is lodged by the Respondent No.2. The Petitioner No.1 is her husband and the Petitioner No.2 is mother of the Petitioner No.1. Petitioner No.3 is sister of the Petitioner No.1. Petitioner No.4 is the woman with whom the Petitioner No.1 has allegedly married subsequent to the marriage with the

Respondent No.2.

3. The FIR is lodged by the Respondent No.2 (the first informant) on 18.12.2009. She has stated that she got married with the Petitioner No.1 on 28.4.1996. Her father had spent for the expenses during the wedding. After the marriage, she started residing with the Petitioners. She noticed that the Petitioner No.1 and his father and brother used to drink alcohol everyday. She did not like that behaviour but according to the Petitioner No.1 because of his job he had to indulge in such activities. The FIR thereafter mentions that the Respondent No.2 was continuously harassed on different reasons including the reason for demand of money. In 1996, she was made to consume some medicine causing some health issues. The FIR thereafter mentions different incidents right from the year 1996 till lodging of the FIR in 2019. The Respondent No.2 noticed that the Petitioner No.1 was staying with some other lady as husband and wife. The Respondent No.2 was also harassed because she gave birth to a daughter. On all these allegations, the FIR is lodged. The investigation was carried out and even the charge-sheet was filed. The charge-sheet contains statement of the Respondent No.1's cousin Ashok Pawar,

who has supported the allegations.

4. Now the matter is settled between the parties. Both of them have preferred a Marriage Petition for divorce by mutual consent before the Family Court. The Petitioner No.1 has deposited Rs.70 Lakhs in the Court which the Respondent No.2 is to get after all the formalities are completed. The Respondent No.2 has filed her affidavit giving no objection for quashing of the present FIR and has stated that she is not desirous of prosecuting the complaint against the Petitioners and the consequent proceedings.

5. The Respondent No.2 is present in the Court. She is identified by her counsel. She reiterated the contents of the affidavit. She has also stated before the Court that she has no objection if the FIR and the consequent proceedings are quashed. The dispute between the parties is purely personal in nature. The society, in general, is not involved. The allegations of consuming of medicine is not supported by any material in the charge-sheet. Apart from that though there are allegations making out the other offences the parties have now settled the matter and the Respondent No.2 is to get some amount after the formalities are

completed. In this view of the matter, we are inclined to allow this Petition. Before parting with this order, we must note that the FIR was lodged in 2009 and the charge-sheet was filed in the year 2010. For fourteen long years there was no progress in the criminal prosecution. The parties were suffering for fourteen long years. This situation is really unfortunate. Therefore, it is better that the parties go their different ways as early as possible.

6. Hence, the following order:

:: O R D E R ::

- i. The M.E.C.R. No.1/2010 dated 6.1.2010 registered at Samata Nagar Police Station, Mumbai as well as the consequent proceedings are quashed and set aside.
- ii. If the Respondent No.2 does not get the amount as promised, she is at liberty to prefer an Application for recalling this order.
- iii. The Petition is disposed of accordingly.

(DR.NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)