

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

CRIMINAL WRIT PETITION NO.3274 OF 2024

Shashikant Dinkar Nikalje
and others

.....Petitioners

Versus

The State of Maharashtra
and another

.....Respondents

Mr. A. Homkalas, Advocate i/b. Mayank N. Mishra, for the
Petitioners.

Mr. Sukanta A. Karmarkar, APP for the Respondent No.1-State.

Mr. Chaudhari Moin, Advocate i/b. Tej Pratap G. Singh for the
Respondent No.2.

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

DATE : 21st OCTOBER, 2024

P.C. :

1. The Petitioners seek quashing of the criminal proceedings being R.C.C. No.1538/2022 pending on the file of the 9th Jt. J.M.F.C., Thane arising out of C.R. No.794/2021 registered with Kashimira police station, Mira Bhayandar for the offences punishable under Sections 498-A, 406, 323, 504 read with 34 of IPC.

2. The Petitioners are husband, mother-in-law and sister-in-law of the Respondent No.2 – first informant respectively.

3. It is alleged in the FIR that the marriage between the Petitioner No.1 and the Respondent No.2 took place on 15.3.2020. At the time of marriage, the Respondent No.2's parents had gifted gold ornaments to the Petitioner Nos.2 & 3. They had also given the Petitioner No.1 various gold ornaments and household items including A.C., LED T.V., fridge, cupboard and other household utensils. She was also given some *stridhan* by her parents. It is her contention that she was abused by the Petitioners. Whenever the Petitioner No.1 used to go office, the other Petitioners abused her and always complained to her husband about her and encouraged him to beat her. Even when they started residing separately, they used to always instigate the Petitioner No.1 to pick up quarrel with her and further ill-treat her. She has alleged that the Petitioners have not returned any of the articles and ornaments, which constitute her *stridhan* and which was gifted to her by her parents till date.

4. The investigation was conducted and the charge-sheet came to be filed. The Respondent No.2's mother has given a statement corroborating the contents of the FIR. However, at this stage the parties have decided to resolve their matter amicably and

the Respondent No.2 has filed an affidavit dated 21.10.2024. She has stated in her affidavit that she has no objection to quash and set aside the FIR and the criminal proceedings. The Respondent No.2 is present in the Court and she is identified by her counsel. She reiterates the contents of her affidavit.

5. Considering that the nature of the proceedings is personal and there is no offence against the society at large, we are inclined to quash and set aside the criminal proceedings and the FIR.

6. Hence, the following order:

:: O R D E R ::

- i. The criminal proceedings being R.C.C. No.1538/2022 pending on the file of the 9th Jt. J.M.F.C. Thane as well as FIR registered vide C.R. No.794/2021 with Kashimira police station, Mira Bhayander for the offences punishable under Sections 498-A, 406, 323, 504 read with 34 of IPC, are quashed and set aside.
- ii. The Petition is allowed accordingly.

(DR.NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)