

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3454 OF 2024

1. Mr. Saneel Gurunath Kothari,
Age – 35 years, Occupation : Service.
2. Mr. Gurunath Krushna Kothari,
Age – 64 years, Occupation : Retired.
3. Mrs. Pratibha Gurunath Kothari,
Age – 61 years, Occupation : Retired.

All are residing at B/105, Jay Bhavani C.H.S. Ltd.,
M. G. Road, Cross No. 4, Near Patel Nagar,
Kadivali (West), Mumbai – 400 067.

.....Petitioners

Vs.

1. Mrs. Richa Saneel Kothari,
Age – 31 years, Occupation : Service,
Indian Inhabitant, residing at B/404,
Jay Bhavani C.H.S. Ltd.,
M. G. Road, Cross No. 4, Near Patel Nagar,
Kadivali (West), Mumbai – 400 067.

2. The State of Maharashtra,
Through Kandivali (West) Police Station,
Mumbai – 400 067.

.....Respondents

Mr. Santosh S. Chodankar for the Petitioners.
Mr. Rushikesh Salkar for Respondent No. 1.
Smt. Anamika Malhotra, Addl.PP for the Respondent-State.

CORAM : M. S. KARNIK AND
DR. NEELA GOKHALE, JJ.
DATE : 21st NOVEMBER 2024.

ORDER (Per Dr. Neela Gokhale, J) :-

1) The Petitioners, accused in Criminal Case No. 932/PW/2024 pending on the file of learned Metropolitan Magistrate, 17th Court at Borivali, Mumbai arising out of C. R. No. 10 of 2023 dated 4th January 2023 registered with Kandivali (West) Police Station, Mumbai for the offence punishable under Sections 498-A, 406, 323, 504, 506 & 500 read with Section 34 of the Indian Penal Code, 1860 and Section 4 of the Dowry Prohibition Act, 1961, have invoked jurisdiction of this Court under Article 226 of the Constitution of India and under Section 482 of the Criminal Procedure Code, 1973, for quashing of the said case, with the consent of Respondent No. 1, the complainant.

2) The Petitioner No. 1 got married with Respondent No. 1 on 20th November 2019 as per Hindu Vedic Rights. Due to *interse* disputes and differences between them in respect of matrimonial issues, Respondent No. 1 lodged a complaint against her husband and in-laws and subsequently she had filed a Divorce Petition for dissolution of marriage before the Family Court by mutual consent.

3) Mr. Santosh Chodankar, learned counsel appears for the Petitioners and Smt. Anamika Malhotra, learned APP represents the State. Mr. Rushikesh Salkar, learned counsel appears for the Respondent No. 1.

4) Learned counsel for the Petitioners submitted that, the Petitioner No. 1 and Respondent No. 1 have settled their disputes and

differences amicably and Respondent No. 1 has given her no objection for quashing of the crime in question. That, Respondent No. 1 has filed an Affidavit dated 4th July 2024 to that effect, duly affirmed before a Notary Public. He therefore prayed that the said case may be quashed, with the consent of Respondent No. 1.

4.1) In paragraph No. 5 thereof, it is stated that the disputes and differences between them are now resolved because of best efforts made by their family members, relatives and friends. In the circumstances, Respondent No. 1 has decided to conclude with present pending matter filed against the Petitioners and she does not wish to pursue with the same. In paragraph No. 6 thereof, the Respondent No. 1 has given her consent for quashing and setting aside the present criminal proceedings.

5) The Respondent No. 1 was present in the Court and she was identified by her counsel. Through her counsel, she reiterated the statements made in the consent Affidavit.

6) We have perused the F.I.R. and chargesheet.

6.1) Considering the facts in the present case and the consent Affidavit of Respondent No. 1, we are inclined to quash and set aside the Criminal Case No. 932/PW/2024 pending on the file of learned Metropolitan Magistrate, 17th Court at Borivali, Mumbai arising out of C. R. No. 10 of 2023 dated 4th January 2023 registered with Kandivali (West) Police Station, Mumbai.

7) In view of the above, Petition is allowed in terms of prayer clause (a).

7.1) Petition is disposed of accordingly.

(DR. NEELA GOKHALE, J.)

(M. S. KARNIK, J.)

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by GITALAXMI
KRISHNA
KOTAWADEKAR
Date:
2024.11.22
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