

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3455 OF 2024**

1. Manish Prakash Choudhary  
Age about 33 years, Occ  
Res: Room No.A/06 Mangalam Apartment,  
Premium Park Colony, Aurobindo Hospital,  
Sanwer Road, Indore,  
Madhya Pradesh- 452006
  2. Jankidevi Prakash Choudhary  
Age about 56 Years, Occ Housewife
  3. Prakash Choudhary  
Age about 66 Years, Occ  
Petitioner No. 2 & 3 residing at  
Ambikapur Near Ambedkar Pump,  
Chhattisgarh Ring Road,  
Maya Womens Hotel Lane,  
Chhattisgarh-52006
  4. Soni Akhilesh Choudhary  
Age about 36 Years, Occ
  5. Akhilesh Damodar Prasad Choudhary  
Age about 40 Years, Occ  
Petitioner No.4 & 5 residing at  
Room No.C/42, C. M.P.I.D. Colony,  
Near D.D.Kendra,  
Near Bhubneshwar Soldier School,  
Khorda, Orissa-751005
- .....Petitioners

Vs.

1. The State of Maharashtra,  
(Through Tulinj Police Station)
2. Mrs. Neha Manish Choudhary  
Age about 28 Years, Occ-Housewife  
Res at Room No.A/104, Ever White,

Evershine City, Nalasopara East,  
Vasai, District- Palghar

.....Respondents

Ms. Sejal Nalawade, with Adv. A.S.Tiwari h/f Mr. Manoj Kumar Tiwari, for  
Petitioners.

Mr. Sukanta Karmakar, APP for Respondent No.1-State.

Ms. Anantika Nidhi for Respondent No.2.

**CORAM : A. S. GADKARI AND  
DR NEELA GOKHALE, JJ.**

**DATE : 13<sup>th</sup> August, 2024.**

**JUDGMENT (Per Dr. Neela Gokhale, J) :-**

1) The Petitioners seek quashing and setting aside of criminal proceedings bearing RCC No. 1222/2021 pending before the Judicial Magistrate First Class, 3<sup>rd</sup> Court, Vasai arising out of F.I.R. bearing C.R. No 251 of 2020 dated 3<sup>rd</sup> March 2020 registered with Tulinj Police Station, Palghar for the offense punishable under section 498-A, 406, 323, 504, 506 read with 34 of the Indian Penal Code, 1860 ("I.P.C.")

2) Petitioners No. 1 to Petitioners No. 5 are the husband, mother-in-law, father-in-law, sister-in-law and brother-in-law of the Respondent No. 2 respectively.

3) It is the case of the Respondent No. 2 that, she married the Petitioner No. 1 on 1<sup>st</sup> December 2019. The entire cost of the marriage was borne by the Respondent No. 2's Father. On the demand of Petitioners, her father also gifted cash and jewellery in their wedding. It is the case of the Respondent No.2 that right from the beginning of the marriage, the

Petitioners treated her with utmost amount of mental and physical cruelty. Hence, she lodged the present F.I.R.

4) During the pendency of the criminal proceedings, certain developments took place having material bearing on the merits of the present proceedings. The Respondent No.2 filed a Petition for divorce and for other ancillary reliefs under Section 13(1)(ia) of Hindu Marriage Act, 1955 against the Petitioner No. 1 in the Court of the Civil Judge, Senior Division, Vasai. During the pendency of the Divorce Petition, the matter was amicably settled between the parties and they filed Consent Terms dated 14<sup>th</sup> June 2024 in the said Court.

5) Ms. Sejal Nalawde, learned Advocate appeared for the Petitioners, Ms. Anantika Nidhi, learned Advocate represents the Respondent No. 2 and Mr. Sukanta Karmakar, learned APP appears for the State.

6) Both the Advocates contend that considering the decision of the parties to resolve their dispute by amicable settlement and the Consent Terms filed before the matrimonial Court, the subject FIR be quashed. The Respondent No.2 has filed a Consent Affidavit dated 6<sup>th</sup> August 2024. The Respondent No.2 has given her no objection to quash the subject FIR and has said that she does not wish to proceed further with the same. All the parties have decided to move on with their individual lives for better future prospects.

7) The Respondent No. 2 is present in the Court today. Ms. Nidhi, on instructions states that the Respondent No. 2 does not have any objection to quash the criminal proceedings pending against the Petitioners. Ms. Nidhi also reiterates the contents in the Consent Affidavit.

8) In these circumstances, the Criminal Proceedings bearing RCC No. 1222 of 2021 pending before the Judicial Magistrate First Class, 3<sup>rd</sup> Court, Vasai arising from C.R No.251 of 2020 registered with the Tulinj Police Station, District Palghar are quashed and set aside.

8.1) The Petition is allowed in terms of prayer clause (a).

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)

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signed by  
SHAMBHAVI  
NILESH  
SHIVGAN  
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