



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3477 OF 2024

Wasim Gulam Patel & Ors.

.....Petitioners

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Ms. Stephanie Richards i/b. MJ. Reena Rolland, for the Petitioners.

Smt. Madhavi H. Mhatre, APP, for Respondent No.1-State.

Mr. Sudhir Chowdhary, for Respondent No.2.

CORAM : SARNAG V. KOTWAL AND

DR. NEELA GOKHALE, JJ.

DATE : 8th OCTOBER 2024.

P.C.:-

1) The Petitioners seek quashing of criminal proceeding bearing C.C.No.1653/PW/2024 pending before the 67th Judicial Magistrate First Class, Borivali, Mumbai arising out of C.R.No.1065 of 2021 dated 29th October 2021 registered with Goregaon Police Station for offences punishable under Sections 498-A, 323, 504, 503, and 506 read with 34 of the Indian Penal Code.

2) Petitioner No.1 is the husband of Respondent No.2 and the other Petitioners are the father-in-law, brothers-in-law, sister-in-law and mother-in-law respectively of Respondent No.2.

3) It is alleged in the F.I.R. that the marriage between the

Petitioner No.1 and Respondent No.2 took place on 2nd May 2019. She alleges that after the marriage the Petitioners treated her with physical and mental cruelty. According to the Respondent No.2, she also suffered physical and verbal abuse. There are other instances of cruelty narrated in the F.I.R., as well.

4) In the interregnum, the parties appear to have settled the matter amicably and the Respondent No.2 has filed Affidavit dated 28th August 2024 duly affirmed before a Notary Public. She contends in the said Affidavit that the parties have amicably resolved their dispute and the Petitioner No.1 and the Respondent No.2 have resumed cohabitation and have decided to move on with their matrimonial life. In paragraph No.3 of the said Affidavit, she has thus given her no objection to quash the impugned criminal proceedings and F.I.R..

5) In these circumstances, considering the nature of the dispute giving rise to the criminal proceedings and especially in view of the fact that the Petitioner No.1 and Respondent No.2 have decided to cohabit together and in fact are now residing together, we are inclined to quash the impugned F.I.R. and the criminal proceedings arising therefrom.

- 6) The Respondent No.2 is present in the Court and is identified by her counsel. Through her counsel she reiterates the statements made by her in the said Affidavit.
- 7) In view of the foregoing, the criminal proceeding bearing C.C.No.1653/PW/2024 pending before the 67th Judicial Magistrate First Class, Borivali, Mumbai arising out of C.R.No.1065 of 2021 dated 29th October 2021 registered with Goregaon Police Station are quashed.
- 8) The Petition is disposed off accordingly.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)