

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

CRIMINAL WRIT PETITION NO.3651 OF 2024

Nilesh Narayan Pawar
and others

.....Petitioners

Versus

The State of Maharashtra
and another

.....Respondents

Ms. Manjula Rao, Senior Advocate a/w. Rohan Deshmukh,
Latika Chitre, Pragati Angir for the Petitioners.

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

Mr. Shravan Giri, Advocate a/w. Sachin Gosai, Ekta Giri for
the Respondent No.2.

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

DATE : 17th DECEMBER, 2024

P.C. :

1. This is a Petition for quashing of the FIR registered vide C.R. No.209/2015 dated 28.5.2015 registered at Ghatkopar police station, Mumbai under Sections 498-A, 406 read with 34 of IPC and under Section 3(1)(i)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the Atrocities Act'), resulting in Special Case No.16/2015 before the Special Court at

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Mumbai.

2. Heard Ms. Manjula Rao, learned Senior counsel for the Petitioners, Mr. Vinod Chate, learned APP for the Respondent No.1-State and Mr. Shravan Giri, learned counsel for the Respondent No.2.

3. The FIR is lodged by the Respondent No.2 on 25.5.2015. She has stated that she was appointed as PSI in 2013 in Mumbai. She was residing with her uncle. At that time she got acquainted with the Petitioner No.1 who proposed marriage to her. However, the informant's uncle showed his reluctance because of difference in the caste. In spite of that the Petitioners were insisting that they should get married. Petitioner Nos.2 and 3 are the parents of the Petitioner No.1 and the Petitioner No.4 is his sister. All of them were after the informant to convince her to marry the Petitioner No.1. On 22.2.2015 the marriage took place. The informant's parents spent for the expenses. They gave gold chain to the Petitioner no.1. The couple started residing together in the joint family of the present Petitioners.

However, when she went to her parent's place on 26.2.2015 the Petitioners did not show any inclination to get her back for cohabitation. There are allegations that the Petitioner No.1 telephonically referred to her caste with humiliation. There are allegations that the Petitioner Nos.2 & 4 used to taunt her. The FIR thereafter goes on to mention various instances between the husband and the wife, wherein the Petitioner No.1 had ill-treated her. There was reference to her caste on a few occasions. On one occasion, when the informant was *bandobast* duty, she could not return on time. On that ground also she was abused. On these allegations, the FIR was lodged.

4. Learned Senior Counsel for the Petitioners tendered a copy of the charge-sheet, which is taken on record and marked 'X collectively' for identification. The charge-sheet contains the statements of the parents and other family members of the first informant, including her uncle with whom the first informant was residing when she got acquainted with the Petitioner No.1. There is also medical

certificate regarding her injuries. The injuries are simple in nature.

5. Now the parties have settled the dispute. They are residing separately from April, 2015. The informant has filed her affidavit making specific request for quashing of the present FIR.

6. The first informant is present in the Court today. She is identified by her learned Advocate. She has reiterated the contents made in the affidavit and in particular the specific no objection for quashing of the FIR, which is the subject matter of this Petition. It is also important to note that the informant herself is facing criminal prosecution lodged at the instance of the Petitioner No.4 and those proceedings are also being settled.

7. Considering that the dispute between the parties is personal in nature and the allegations arise out of their private dispute and though the offences under the Atrocities Act are applied, from the record it appears that it is a private

dispute and it would be in the interest of both the parties to allow this Petition so that they can lead their separate independent peaceful life. Continuation of the criminal proceedings would not serve any purpose. It would be abuse of process of law. Therefore, in the interest of justice, we are inclined to allow this Petition.

8. Hence, the following order :

:: O R D E R ::

- i. The FIR being C.R. No.209/2015 dated 28.5.2015 registered at Ghatkopar police station, Mumbai as well as the consequent criminal proceedings being Special Case No.16/2015 pending before the Special Court at Mumbai, are quashed and set aside.
- ii. The Petition is disposed of accordingly.

(DR.NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)