



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3906 OF 2024

Ganesh Bhau Thorat

.....Petitioner

Vs.

The State of Maharashtra & Anr.

.....Respondents

Mr. Shrivallabh Panchpor with Mr. Ashwin Borhade & Ms. Pradnya Borhade, for the Petitioner.

Mr. S. A. Karmakar, APP for Respondent No.1-State.

Mr. Aameer V. Kale, i/b. A. K. Legal & Associates, for Respondent No.2.

CORAM : SARANG V. KOTWAL AND

DR. NEELA GOKHALE, JJ.

DATE : 28th NOVEMBER 2024.

P.C.:-

1) This Writ Petition is for quashing of the F.I.R. registered at Kapurbavadi Police Station vide C.R.No.405 of 2023 dated 4th December 2023 under Sections 498-A, 504 and 506 of the Indian Penal Code. It has resulted in R.C.C.No.3156 of 2024 before Judicial Magistrate First Class, Thane. The second prayer is for quashing of this proceedings.

2) We have heard Mr.Panchpor, learned counsel for the Petitioner, Mr. Karmakar, learned APP for Respondent No.1-State and Mr. Kale, learned counsel for Respondent No.2.

3) The F.I.R. is lodged by the Respondent No.2 (the informant). She has stated that she got acquainted with the Petitioner in the year 2017 and they developed friendship, which resulted in love relationship. They decided to get married. Initially, her parents were not agreeable for the marriage, however, she convinced them and thus marriage took place on 10th February 2019. The informant's family gave articles and ornaments to the Petitioner. They started staying in the house, which was taken on lease by the informant's parents. The F.I.R. mentions that she was ill-treated by the Petitioner. In the meantime, she came back to stay with her parents on 8th August 2021 and delivered her son on 25th December 2021. The Petitioner did not bother to enquire about their son and he used to harass her mentally by making telephonic calls. On these grounds the F.I.R. is lodged.

4) The investigation is carried out and the chargesheet is filed. Chargesheet contains the statements of father, mother, brother and friends and all of them supported the allegations in the F.I.R. After filing of the chargesheet, the parties have amicably settled the matter. They have obtained decree of divorce by consent from the Family Court, Thane.

5) The informant has filed her Affidavit dated 28th November

2024. She gave consent for quashing of the F.I.R. and the consequent proceedings. The Respondent No.2 is present in Court. She is identified by her counsel. The Affidavit is affirmed before the Assistant Registrar of this Court. She reiterates the contents of the Affidavit and gives specific no objection for quashing of the F.I.R. and consequent proceedings.

6) The dispute between the parties is purely personal in nature and there is no impediment in quashing the proceedings. The parties have amicably settled the matter. Continuation of proceedings would not serve any purpose. Hence, the following order:

ORDER

- i) The criminal proceeding bearing R.C.C.No.3156 of 2024 pending before the learned Judicial Magistrate First Class, Thane arising out of F.I.R. registered at Kapurbavadi Police Station vide C.R.No.405 of 2023 dated 4th December 2023 under Sections 498-A, 504 and 506 of the Indian Penal Code is quashed and set aside.
- ii) The Petition is disposed of accordingly.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)