

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4011 OF 2024

Vivek Pandey & Ors.

.....Petitioners

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Ms. Bindu Dubey, for the Petitioners.

Smt. Anamika Malhotra, APP for Respondent No.1-State.

Mr. Shikhar Khandelwal for Respondent No.2.

**CORAM : SARNAG V. KOTWAL AND
DR. NEELA GOKHALE, JJ.**

DATE : 8th OCTOBER 2024.

PC.:-

1) Petitioners seek to quash and set aside FIR No. 339 of 2023 dated 4th December 2023 registered at Khandeshwar Police Station, Navi Mumbai for the offences punishable under Sections 498-A, 323, 504, 506, 354, 420 read with 34 of the Indian Penal Code, 1860 ('IPC').

2) Petitioner No.1 is the husband and Petitioners No.2 and 3 are the father-in-law and brother-in-law of the Respondent No.2 respectively.

3) As discerned from the FIR, it is alleged that Petitioners have treated the Respondent No. 2 with mental and physical

cruelty. It is her allegation that they have demanded valuable ornaments and jewellery from her father and when she showed her inability to do so, she was ill-treated by them. There are also some allegations in respect of Section 354 of the IPC against the Petitioner No.3. The ill-treatment caused to her by Petitioners led her to file the impugned FIR.

4) In the interregnum, it appears that the parties have amicably settled the matter, pursuant to which the Respondent No.2 has filed an Affidavit dated 30th September 2024 duly affirmed before a Notary Public giving her consent for quashing the FIR. In paragraph 5 of the Affidavit, she has clearly stated that she has no objection if the FIR is quashed and Petition filed by the Petitioners is allowed.

5) Respondent No.2 is present before the Court and is identified by her counsel. Through her counsel, she reiterates the averments made in the Affidavit.

6) Considering that the dispute between the parties is of personal nature, we are inclined to quash the impugned FIR and the charge-sheet culminating from the same. Continuation of the prosecution will be an abuse of process of law and hence, we pass the following order:

(i) FIR No. 339 of 2023 dated 4th December 2023 registered at Khandeshwar Police Station, Navi Mumbai and the charge-sheet culminating from the same is quashed and set aside.

7) Petition is disposed of accordingly.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)

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