

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4415 OF 2024

1. Mr. Praveen Thimappa Kotian,
Age – 41 years, Occupation : Service.
2. Mrs. Vishalakshi Thimmappa Kotian,
Age – 68 years, Occupation : Housewife.
3. Mr. Chetan Thimmappa Kotian,
Age – 39 years, Occupation : Service.

All are residing at 292/2316, Ashirwad Co-op. H.S. Ltd.,
M. G. Road, Near Ganesh Maidan, Motilal Nagar 2,
Goregaon West, Mumbai – 400 104,
Mobile No. 9870467766,
E-mail ID : praveent.kotian@gmail.com.

.....Petitioners

Vs.

1. The State of Maharashtra
(At the instance of Mrs. Deepali Praveen Kotian
through Bhandup Police Station.)
2. Mrs. Deepali Praveen Kotian (Orig. Complt.)
Nee Deepali Annu Poojari,
Age : 32 years, Occupation : Service,
Residing at Pipeline, B-2/6,
Datta Prasad H.S.G. Jai Shankar Nagar,
Tulshet Pada, Bhandup (West),
Mumbai – 400 078,
Mobile No. 9969662439,
Aadhar Card No. 5620 2062 9242,
E-mail ID : deepalipoojary92@gmail.com.Respondents

Mr. Ajinkya Gangurde for the Petitioners.
Smt. Anamika Malhotra, Addl.PP for the Respondent-State.
Mr. Madhav Shah for Respondent No. 2.

CORAM : M. S. KARNIK AND
DR. NEELA GOKHALE, JJ.
DATE : 21st NOVEMBER 2024.

ORDER (Per Dr. Neela Gokhale, J) :-

- 1) The Petitioners, accused in Criminal Case No. 783/PW/2023 pending on the file of learned Judicial Magistrate First Class, 53rd Court at Mulund, Mumbai arising out of C. R. No. 238 of 2023 dated 4th April 2023 registered with Bhandup Police Station, Mumbai for the offence punishable under Sections 498-A & 406 read with Section 34 of the Indian Penal Code, 1860, have invoked jurisdiction of this Court under Article 226 of the Constitution of India and under Section 482 of the Criminal Procedure Code, 1973, for quashing of the said case, with the consent of Respondent No. 2, the complainant.
- 2) The Petitioner No. 1 got married with Respondent No. 2 on 27th January 2019. Due to *interse* disputes and differences between them in respect of matrimonial issues, Respondent No. 2 lodged a complaint against her husband and in-laws and subsequently she had filed a Divorce Petition for dissolution of marriage before the Family Court by mutual consent.
- 3) Mr. Ajinkya Gangurde, learned counsel appears for the Petitioners and Smt. Anamika Malhotra, learned APP represents the State. Mr. Madhav Shah, learned counsel appears for the Respondent No. 2.
- 4) Learned counsel for the Petitioners submitted that, the

Petitioner No. 1 and Respondent No. 2 have settled their disputes and differences amicably and Respondent No. 2 has given her no objection for quashing of the crime in question. That, Respondent No. 2 has filed an Affidavit dated 20th January 2024 to that effect, duly affirmed before a Notary Public. He therefore prayed that the said case may be quashed, with the consent of Respondent No. 2.

4.1) In paragraph Nos. 10 & 13 thereof, it is stated that in view of amicable settlement between them, the Respondent No. 2 has given her consent/no objection for quashing and setting aside the present criminal proceedings.

5) The Respondent No. 2 was present in the Court and she was identified by her counsel. Through her counsel, she reiterated the statements made in the consent Affidavit.

6) We have perused the F.I.R. and chargesheet.

6.1) Considering the facts in the present case and the consent Affidavit of Respondent No. 2, we are inclined to quash and set aside the Criminal Case No. 783/PW/2023 pending on the file of learned Judicial Magistrate First Class, 53rd Court at Mulund, Mumbai arising out of C. R. No. 238 of 2023 dated 4th April 2023 registered with Bhandup Police Station, Mumbai.

7) In view of the above, Petition is allowed in terms of prayer clause (A).

7.1) Petition is disposed of accordingly.

(DR. NEELA GOKHALE, J.)

(M. S. KARNIK, J.)

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KOTAWADEKAR

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by GITALAXMI
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Date:
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