

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4417 OF 2024

Dhananjay Vithal Gawade & Ors.

.....Petitioners

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Sachin R. Pawar, for the Petitioners.

Mr. R.M.Pethe, APP for Respondent No.1-State.

Mr. Pavan Patil for Respondent No.2.

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

DATE : 10th OCTOBER 2024.

P.C.:-

1) This is a Petition filed by the Petitioners for quashing FIR registered vide C.R.No. 546 of 2015 at Tulinj Police Station, District Palghar, for offences punishable under Sections 498-A, 406, 506(II), 465, 466, 468, 471, 474, 420 read with 34 of the Indian Penal Code, 1860 ('IPC'). Investigation is over and charge-sheet is already filed in the present case and consequent criminal proceedings vide Regular Criminal Case No.1053 of 2016 is pending before the learned 4th Judicial Magistrate First Class, Vasai. FIR is lodged by the Respondent No.2 and investigation papers support her FIR.

2) Petitioner No.1 is the husband of the Respondent No.2.

Petitioner No.2 is his mother. Petitioners No.3 and 4 are his sisters and Petitioner No.5 is his niece. Allegations in the FIR pertain to harassment caused to the Respondent No. 2 by the Petitioners. Respondent No.2 was married to the Petitioner No.1 on 7th December 2001. First part of the FIR mentions that the Respondent No.2's father had given her gold ornaments as '*Stree Dhan*'. After marriage, she started residing with the Petitioners. Petitioner No.1 had suppressed from her that his sister, Rajashree and his niece, Rutuja i.e., Petitioners No.3 and 5 were residing with him. There are allegations that when the Respondent No.2 started residing with the Petitioners, they illtreated her and harassed her. Main allegations are against the Petitioner No.1 but there are allegations against others, as well. It is alleged that they were instigating Petitioner No.1. In the meantime, the couple had a son and daughter in the years 2002 and 2006 respectively. Even thereafter the harassment and ill-treatment continued. Petitioner No.1 used to threaten her. In the year 2008, the Respondent No.2 had consumed poisonous substance but she did not suffer any serious injury. Thereafter, she went to her parents' house. She could not tell others about her harassment but she confided to her parents. After that there were proceedings before the Family Court

for divorce and for maintenance. There are further allegations that the Petitioners forged her signature and removed her from their partnership firm. On these allegations, FIR is filed and investigation is carried out.

3) Now there is a development in the situation. Parties have decided to settle their matter amicably. Respondent No.2 has filed her Affidavit mentioning settlement. She appeared in the Court through Video Conferencing. She is identified by her counsel. Answering the specific question, she stated that she wants to settle the matter and that she is agreeable to quashing the FIR. Affidavit also mentions that there is an amicable settlement between the parties and she has no objection for quashing of the FIR. Considering this situation, it is quite obvious that no purpose will be served by continuing the criminal prosecution. Parties have settled the matter and children of the couple have attained majority. Apparently, there is no further grievance made by the Respondent No.2 and continuation of prosecution therefore, will be an abuse of process of law. There is no possibility of conviction as per the stand taken by the Respondent No.2 in her affidavit. Hence, we are inclined to allow this Petition and pass the following order:

ORDER

(i) FIR registered vide C.R.No. 546 of 2015 registered at Tulinj Police Station, District Palghar and consequent criminal proceeding bearing R.C.C.No.1053 of 2016 pending before the 4th Judicial Magistrate First Class, Vasai are quashed and set aside.

4) Petition is disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)

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