

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4457 OF 2024

Sandeep Hanmantrao Shelar & Ors.Petitioners
Vs.
The State Of Maharashtra & Anr.Respondents

Mr. Ravindra S. Pachundkar, for the Petitioner.
Smt. M.H.Mhatre, APP for Respondent No.1-State.
Mr. M. Parghane (appeared through V/C).
Ms. Urmisha R. Vargante, for Respondent No.2.

**CORAM : SARANG V. KOTWAL AND
DR. NEELA GOKHALE, JJ.
DATE : 18th OCTOBER 2024.**

P.C.:-

- 1) Matter not on board. Taken on board as parties from outstation have come to the Court.
- 2) Learned counsel for the Petitioners seeks leave to amend, to make prayer for quashing of the charge-sheet and the consequent criminal proceeding, as well. Leave is granted. Amendment be carried out forthwith.
- 3) This Petition is filed for quashing of FIR registered vide C.R.No.120 of 2020 dated 18th March 2020 at Shivaji Nagar Police Station, Ichalkaranji, Kolhapur for offences punishable under Sections

498-A, 323, 504 read with 34 of the Indian Penal Code, 1860 ('IPC') and the consequent criminal proceeding bearing R.C.C. No. 364 of 2020 pending before the Judicial Magistrate First Class, Ichalkaranji, Distict Kolhapur.

4) FIR is lodged by the Respondent No.2 wherein she stated that she married the Petitioner No.1 on 26th September 2014. Petitioner No.2 is his married sister and Petitioner No.3 is the husband of the Petitioner No.2. Petitioner No.4 is mother of the Petitioner No.1. Respondent No.2/First Informant has stated that after marriage, they started residing together. The First Informant was always kept under pressure by the Petitioner No.2, the Petitioner No.3 and her husband in small matters regarding what clothes she should wear, what she should cook, etc. She was ill-treated and harassed. There are allegations that the Petitioner No.1 demanded Rs.10 Lakhs for purchasing a flat in the First Informant's name but even thereafter, though that demand was fulfilled, the ill-treatment continued. She was made to do household work unnecessarily only with a view to harass her and, therefore, since November 2017, the First Informant started residing with her parents. In January 2020, the Petitioner No.1 came to the house of her parents and demanded more money for

taking her back to the matrimonial home. Getting fed up with this ill-treatment, the First Informant lodged the aforesaid FIR. Investigation is over and the charge-sheet is filed. The charge-sheet contains statements of her parents, two sisters and brother of the First Informant. All these statements support the allegations made by the First Informant in the FIR.

5) Subsequently, the matter is settled between the parties. Respondent No.2 has filed her affidavit-in-reply. There is reference in the affidavit that parties have filed a petition for mutual consent divorce under Section 13B of the Hindu Marriage Act, 1955 bearing P. F. No. 931 of 2024 in the Family Court at Pune. There is reference to certain terms of the settlement in paragraph 4 of the affidavit. In paragraph 6 of the said affidavit, she has squarely stated that she does not wish to continue with the case arising out of FIR, which is the subject matter of this Petition. She has no objection for quashing of the said FIR.

6) Respondent No.2 is present before the Court. She is identified by learned counsel appearing for her. Since he appeared through video conferencing, to make up for it, we permitted learned counsel for the Petitioner to identify her as well. He identified her.

The informant stated that whatever is stated in the affidavit is correct. She has no objection for quashing of the FIR and the consequent criminal proceedings. They have settled the dispute and have also filed divorce petition. This is a purely private dispute. We see no impediment in allowing this Petition. Hence, the following order:

ORDER

- (i) FIR registered vide C.R.No.120 of 2020 dated 18th March 2020 at Shivaji Nagar Police Station, Ichalkaranji, Kolhapur and the consequent criminal proceeding bearing R.C.C. No. 364 of 2020 pending before the Judicial Magistrate First Class, Ichalkaranji, Distict Kolhapur are quashed and set aside.
- 7) Petition is disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)

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signed by
SHAMBHAVI
NILESH
SHIVGAN
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