

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.4468 OF 2024

Vijay Shivaji Phalke & Ors. Petitioners

versus

The State of Maharashtra & Anr. Respondents

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- Mr. Balwant Salunkhe, Advocate for Petitioner.
- Mr. Sukanta A. Karmarkar, APP for the State/Respondent.
- Mr. C. K. Bhangoji, Advocate for Respondent No.2.

**CORAM : SARANG V. KOTWAL &
DR. NEELA GOKHALE, JJ.**
DATE : 17th OCTOBER, 2024

P.C. :

1. This Petition is filed for quashing of the FIR lodged vide C.R.No.171/2021 at Vartak Nagar Police Station, Thane, for the offences punishable u/s 498-A, 406, 324, 323, 504 r/w 34 of the Indian Penal Code. The investigation is over and the charge-sheet is filed. The case is pending vide RCC No.2230 of 2023 before the Judicial Magistrate First Class, Thane. The Petitioners prayed for quashing of these proceedings. The Petitioner No.1 was the husband of the first informant/Respondent No.2. The

Petitioner No.2 is his mother. The Petitioner Nos.3 and 4 are his sisters and the Petitioner No.5 is the son of the Petitioner No.3.

2. The FIR mentions that the informant got married with the Petitioner No.1 on 31/05/2016. He was working in Merchant Navy. After the marriage she started residing with the Petitioner Nos.1 to 4. After that they shifted to Andheri, Mumbai. Most of the time, the Petitioner No.2 and the Respondent No.2 were staying together as the Petitioner No.1 used to go for his duty for a long period of 9 to 10 months. The Petitioner No.4 used to stay in the same building on a different floor. The FIR goes on to mention various instances where all the Petitioners had ill-treated and harassed her. The allegations pertain right from the year 2017 upto 2021. There are references to the previous NCs lodged by the Respondent No.2. The allegations are that she was beaten and ill-treated. The Petitioner Nos.3 and 4 also used to interfere between the couple and used to instigate him. On one occasion, the Petitioner No.1 had assaulted her with a sharp weapon. On every such occasion, the Respondent No.2 had lodged NC complaint at Vathar police

station. Ultimately, she left the matrimonial house and started residing with her parents and lodged this FIR. The investigation was carried out. The charge-sheet contains statements of the parents and sisters of the Respondent No.2. It also contains the injury certificate in respect of the injuries suffered by the Respondent No.2, when she was beaten. However, in this background as of today, the matter is settled between the parties and there were divorce proceedings between the Petitioner No.1 and the Respondent No.2 u/s 13-B of the Hindu Marriage Act, before the Family Court at Thane.

3. The Respondent No.2 has filed her affidavit specifically mentioning that the dispute between the Respondent No.2 and the Petitioner was amicably settled and that she was giving consent for quashing of the FIR and the consequent proceedings.
4. We have considered this situation. The Respondent No.2 is present in the Court. She is identified by the counsel Mr. C. K. Bhangoji. Though, he has not filed his Vakilpatra, he undertakes to file his Vakilpatra within a period of one week

from today. The Respondent No.2 herself has stated before the Court that whatever was stated in the affidavit, is stated voluntarily and she has no objection for quashing of the proceedings. The dispute between the parties is purely personal in nature. The parties have settled the dispute and therefore proceedings can be quashed.

5. Hence, the following order :

ORDER

- (i) The FIR registered vide C.R.No.171/2021 at Vartak Nagar Police Station, Thane and the consequent trial pending vide RCC No.2230 of 2023 before the Judicial Magistrate First Class, Thane, are quashed and set aside.
- (ii) The Petition is disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)