

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4486 OF 2024

Hemraj Kondiba Dere & Ors.

.....Petitioners

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Balwant Salunkhe, for the Petitioners.

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

Ms. Supriya D. Karpe, for Respondent No.2.

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

DATE : 18th OCTOBER 2024.

P.C.:-

1) Petitioners seek quashing of RCC No.1006 of 2022 pending before the Judicial Magistrate First Class, Kalyan arising out FIR No.521 of 2022 dated 30th September 2022 registered with Kolsewadi Police Station, District: Thane for the offences punishable under Sections 498-A, 377, 323, 504, 506 read with 34 of the Indian Penal Code, 1860 ('IPC').

2) Petitioner No.1 is the husband, Petitioner No.2 is the mother-in-law, Petitioner No.3 is the sister-in-law of the Respondent No.2/First Informant and Petitioner No.4 is the neighbour of the other Petitioners.

3) It is alleged in the FIR that the marriage of the Respondent No.2 with the Petitioner No.1 was her second marriage. They were married on 19th April 2021 at Kalyan. After the marriage, she realised that the Petitioner No.1 was addicted to drinking liquor because of which there were disputes between them. He abused her verbally and physically. He also demanded that she should withdraw money from her bank account and hand over the same to him. On 19th September 2021, Petitioner No.1 dug up a quarrel on a petty issue and abused her and threatened to kill her. There are other instances of cruelty narrated in the FIR. Because of the ill-treatment, there was a marital discord between the parties and consequently, the present FIR was filed. Investigation was conducted and the charge-sheet was filed. In the charge-sheet, there is a statement of the brother of the Respondent No.2, which corroborates the allegations made by her in the FIR.

4) In the meantime, parties have settled the matter amicably and the Respondent No.2 has filed an Affidavit dated 17th October 2024 duly affirmed by her before a Notary Public. The Respondent No.2 is present in the Court and identified by her counsel. Through her counsel, she reiterates all the averments made in the said Affidavit. In paragraphs 3 and 4 of the Affidavit, she has given her no

objection for quashing the FIR and the consequent criminal proceeding.

5) Since the nature of the proceeding is personal between the parties, we are inclined to quash and set aside the FIR and the consequent criminal proceeding. Needless to say that there is no offence made out against the Petitioner No.4. In any case, since the dispute between the parties is resolved amicably, the FIR and the criminal proceeding culminating from the same are quashed and set aside.

6) Petition is accordingly allowed.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)

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