

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

CRIMINAL WRIT PETITION NO.4497 OF 2024

Mitesh Deepak Ghanekar & Ors. Petitioners

versus

The State of Maharashtra & Anr. Respondents

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- Ms. Tahzeen Khan i/b. Komal Bhatia a/w Manasvi Mawani, Advocate for Petitioners.
- Mr. Ashish I. Satpute, APP for the State/Respondent.
- Mr. Satish Dubey, Advocate for Respondent No.2.

**CORAM : SARANG V. KOTWAL &
DR. NEELA GOKHALE, JJ.**
DATE : 23rd OCTOBER, 2024

P.C. :

1. This Petition is for quashing of the FIR registered vide C.R.No.716 of 2024 dated 30/06/2024, registered at Dahisar Police Station, under the offence punishable u/s 498-A, 323, 504, 506 r/w 34 of the Indian Penal Code.

2. Heard Ms. Tahzeen Khan, learned Counsel for the Petitioners, Mr. Satish Dubey, learned counsel for the Respondent No.2 and Mr. Ashish I. Satpute, learned APP for the State.

3. The Petitioner No.1 is the husband of the Respondent No.2 first informant and the Petitioner Nos.2 and 3 are her father-in-law and mother-in-law respectively. It is alleged in the FIR that the Petitioner No.1 and the Respondent No.2 were married on 30/12/2018. After that, the Petitioner No.1 travelled to Kuwait for his job and the Petitioner Nos.2 and 3 left for Bahrain for their respective jobs. The Respondent No.2 also joined her husband in 2019. She has narrated the particular incidents where she was ill-treated and insulted by the Petitioner No.1 during their stay at Kuwait. Even when they returned to India, the Petitioner No.1 repeatedly demanded that she should give divorce to him, as he was not inclined to reside with her. She has also made some allegations against the Petitioner Nos.2 and 3. This led to marital discord between the parties and consequently, she filed the present FIR.

4. The Respondent No.2 is present in Court today and is identified by her counsel. She has filed affidavit dated 23/10/2024 affirmed before the notary public. In paragraph No.7 of the said affidavit she has given her no objection for

quashing of the FIR. However, she says that she is yet to receive the amount of Rs.35 lakhs towards the last installment of the full and final settlement between the parties. It is agreed between the parties that the said installment will be received by the Respondent No.2 at the time of second motion of the Petition for divorce by mutual consent before the Family Court.

5. Considering the nature of the dispute between the parties, being of personal nature and not affecting the society at large, we are inclined to quash the impugned FIR. Accordingly, the Petition is allowed and the FIR registered vide C.R.No.716 of 2024 dated 30/06/2024, registered at Dahisar Police Station, is set aside, subject to the Petitioner No.1 paying the Respondent No.2 the last installment of Rs.35 lakhs at the agreed time.

6. Needless to say that if the said amount is not paid to the Respondent No.2, she shall be at liberty to take appropriate proceedings to recall the present order.

7. The Petition is disposed of accordingly.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)