



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4185 OF 2022

Ashok K. Shah & Anr.

.....Petitioners

Vs.

The State Of Maharashtra & Anr.

.....Respondents

WITH

CRIMINAL WRIT PETITION NO.4514 OF 2024

Saurabh Ashok Shah

.....Petitioner

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Kedar J. Patil, for the Petitioners in WP/4185/2022.

Ms. Sakshi S. Kadam, for the Petitioner in WP/4514/2024.

Smt. Anamika Malhotra, Addl.PP, for Respondent No.1-State in WP/4185/2022.

Mr. R. M. Pethe, APP, for Respondent No.1-State in WP/4514/2024.

Mr. Dushyant Purekar with Mr. Rajat Dedhia, i/b. Vishakha Gala, for Respondent No.2 in both Writ Petitions.

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

DATE : 22nd OCTOBER 2024.

P.C.:-

1) Both these Petitions are decided by this common order because they arise out of the same registered offence and prayers in both these Petitions are for quashing of the F.I.R.No.1034 of 2022 registered at Santacruz Police Station under Sections 498-A, 406, 504 and 506 read with 34 of the Indian Penal Code and the consequent

criminal proceedings pending before the 71st Judicial Magistrate First Class, Bandra vide C.C.No.PW/1020/2023.

2) Criminal Writ Petition No.4185 of 2022 is filed by the parents of the husband of the Respondent No.2/the First Informant. It was initially filed on merits of the matter. The matter was then sent for mediation. The mediation is successful and the parties have settled the matter. Therefore, now both the parties are before the Court and the prayer is for quashing by consent. The other Writ Petition i.e., Writ Petition No.4514 of 2024 is filed by the Informant's husband. It was filed after the settlement was arrived at and therefore, it is filed on the ground of quashing by consent.

3) We have considered the submissions of Mr. Patil, learned counsel for the Petitioners in Writ Petition No.4185 of 2022, Ms. Kadam, learned counsel for Petitioner in Writ Petition No.4514 of 2024, Smt. Malhotra and Mr. Pethe, learned APP for the Respondent No.1-State and Mr. Purekar, learned counsel for the Respondent No.2.

4) The F.I.R. is lodged by the Respondent No.2 on 6th September 2022. She has stated that she got to know about the marriage proposal of the Petitioner Saurabh through a matrimonial site. After the initial discussion, they got married on 26th January

2015. The F.I.R. thereafter goes on to mention that some issues arose because there was some displeasure expressed by the Petitioner Saurabh. The F.I.R. further mentions that the Informant's parents had given her gold ornaments weighing about 20 tola and the Saurabh's parents had given her around 40 told gold ornaments as stridhan. The Informant has also given a detailed description of presents given to her. All these presents were kept in a joint locker in a bank. The F.I.R. thereafter goes on to mention about their incompatibility and frequent quarrels. There are allegations that the Petitioners in Writ Petition No.4185 of 2022 used to abuse her and ill-treat her. She delivered her son on 3rd April 2019, but there was no change in the behaviour of the Petitioners. Saurabh used to ask her to include his name in her investments. He used to threaten to go for divorce. One attempt was made through a Counselor for peaceful cohabitation, however, nothing was successful. Ultimately, getting fed up, she went to her parents' house on 20th August 2021. She then filed Petition in the Family Court for divorce and custody of minor child. She also filed proceedings under the Protection of Women from Domestic Violence Act, 2005. Finally she has lodged the present F.I.R. The investigation is over and the chargesheet is filed. The chargesheet

shows that the investigation is cursorily done. There is only statement of her mother, which corroborates her allegations.

5) When the Petitioners had preferred Writ Petition No.4185 of 2022, the matter was referred for mediation. The mediation is concluded and the learned Advocate for the Petitioners has produced the mediation report dated 14th October 2024 before the Court. It is taken on record. The Mediation Report is accompanied by the Consent Terms. The Respondent No.2 has filed two separate Affidavits in both these Petitions, wherein she has mentioned that the dispute between herself and all the Petitioners is settled amicably on the terms that are stated in the Consent Terms dated 14th October 2024. She has further stated that in view of the Consent Terms, she had given her no objection for quashing of the complaint against the Petitioners registered as C.R.No.1034 of 2022 at Santacruz Police Station under Sections 498-A, 406, 504 and 506 read with 34 of the Indian Penal Code and the consequent criminal proceedings pending before the 71st Judicial Magistrate First Class, Bandra vide C.C.No.PW/1020/2023.

6) The Respondent No.2 is personally present in Court. She is identified by her counsel. She stated before the Court that she read over the contents of the consent Affidavit and she has no objection for

quashing of the present F.I.R. and the consequent proceedings. The dispute is settled between the parties. It is purely a personal dispute and the society at large is not involved. Therefore, we are inclined to allow this Petition. Hence, the following order:

ORDER

- (i) The F.I.R.No.1034 of 2022 registered at Santacruz Police Station under Sections 498-A, 406, 504 and 506 read with 34 of the Indian Penal Code and the consequent criminal proceedings pending before the 71st Judicial Magistrate First Class, Bandra vide C.C.No.PW/1020/2023 are quashed and set aside.
- (ii) The Petitions are disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)