

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

CRIMINAL WRIT PETITION NO. 4763 OF 2024

Jawaharlal S/o. Late Shri. Ramdev Giri & Ors. ..Petitioners
Versus
The State of Maharashtra & Anr. ..Respondents

Ms. Sangeeta Salvi for Petitioners.
Smt. M. H. Mhatre, APP for State/Respondent.
Ms. Sana G. Thonge for Respondent No.2.

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

DATE : 27 NOVEMBER 2024

PC :

1. The Petitioners seek quashing and setting aside of the criminal proceedings bearing R.C.C.No.3260 of 2023 pending before the J.M.F.C. Court, Thane, arising out of the C.R.No.348 of 2020 registered with Kapurbawdi police station, Thane, for the offences punishable under sections 498A, 406, 323, 504 r/w. 34 of the I.P.C.

2. The Petitioner No.5 is the husband of the Respondent No.2 and the Petitioner Nos.1 to 4 are the relatives of the

Petitioner No.5.

3. It is the case of the Respondent No.2 that, she got married with the Petitioner No.5 on 03.11.2018 in Thane Court under the provisions of the Special Marriage Act, 1956. According to her, the petitioners had treated her with cruelty and had illtreated her. There were demands for cash and other articles from her parents. When she refused to comply with those demands, she was again treated with physical and mental cruelty. It is also her case that, most of her jewellery including gold necklace, earrings, silver anklets etc. were retained by the petitioners and they refused to handover the same to her. Result of this treatment was that, she was compelled to file the F.I.R. against the petitioners. It is this F.I.R. which is impugned in the present proceedings.

4. The investigating agency has filed the charge-sheet in the Trial Court. There are statements of the brother and mother of the Respondent No.2 which corroborate the allegations made by her in the F.I.R.

5. Be that as it may, the parties have now decided to settle

the matter amicably pursuant to the agreement. The marriage between the Petitioner No.5 and the Respondent No.2 has been dissolved by decree of divorce passed by the Family Court, Thane. As per the settlement terms, the Respondent No.2 has been paid the permanent alimony and maintenance.

6. The Respondent No.2 is present before the Court and she is identified by her counsel. She has filed the consent affidavit dated 27.11.2024 duly affirmed before the Notary Public. In the said Affidavit, she has given her consent to quash all the criminal proceedings impugned herein. She has also stated that, she has to receive Rs.15 lakhs at the time of filing of the present consent affidavit in lieu of the outstanding balance towards permanent alimony and maintenance. She has today received the said amount by way of two separate demand drafts. She acknowledges the same.

7. Considering the personal nature of the dispute, we are inclined to allow this petition.

8. Hence, the following order:

O R D E R

- i) The F.I.R. registered vide the C.R.No. 348 of 2020 at Kapurbawdi police station, Thane and the resultant R.C.C.No.3260 of 2023 pending before the J.M.F.C., Court, Thane, are quashed and set aside.
- ii) Consequently, LOC issued against the Petitioner No.5 in respect of the present criminal proceedings, impugned in the present writ petition, is also quashed.
- iii) The Writ Petition is disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)