



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4789 OF 2024

Jyoti Diten Chheda & Ors.

.....Applicants

Vs.

The State of Maharashtra & Anr.

.....Respondents

Mr. S. J. Mathew, for the Petitioners.

Mr. Anand S. Shalgaonkar APP, for Respondent No.1-State.

Mr. Mitesh Ghatkar, for Respondent No.2.

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

DATE : 5th DECEMBER 2024.

P.C.:-

1) This is a Petition for quashing of the F.I.R. registered vide C.R.No.349 of 2023 dated 20th September 2023 at Dombivali Police Station for offence punishable under Section 498-A of the Indian Penal Code. The F.I.R. is lodged by the Respondent No.2 (the informant). The Petitioner No.1 is her mother-in-law, Petitioner No.2 is father-in-law and Petitioner No.3 is her husband. It is mentioned in the F.I.R. that she got married with the Petitioner No.3 on 13th December 2013. Her father had borne all the expenditure of her marriage. After the marriage, she was attending her job at Dombivali. On that ground,

the Petitioner No.1 used to taunt her. The Petitioners No.1 and 2 used to say that her father had not spent any money in the wedding. The F.I.R. further goes to mention the ill-treatment meted out to her. After that, she and the Petitioner No.3 started residing separately. They used to meet the Petitioners No.1 and 2 frequently. The Petitioner No.3 used to ill-treat her constantly. He did not want to stay with her though they had booked a room in their joint name by taking home loan. In November 2020, the informant went to reside with her parents. In December 2020, she tried to go back to her matrimonial house. The Petitioner No.3 was not happy on her return. After few days, he left the house and there was no cohabitation. The couple has a daughter aged about eight years. On these allegations, the F.I.R. is lodged.

2) Now the matter is settled between the parties. Both of them have filed the Petition for divorce by mutual consent. They have filed consent terms before the Family Court on 25th September 2024.

3) In the present Petition, the Respondent No.2 has filed Affidavit of consent and paragraph 6 of the Affidavit specifically stated that she has consented to quashing of the present offence.

4) The informant is present in Court and identified by her

counsel. She reiterates the contents of her Affidavit and stated before the Court that she has no objection if the offence is quashed in view of the settlement.

5) Considering that the dispute between the parties is purely personal in nature, the society at large is not involved in it and the parties have settled the matter, the Petition can be allowed. Hence, the following order:

ORDER

- i) The F.I.R. registered vide C.R.No.349 of 2023 dated 20th September 2023 at Dombivali Police Station is quashed and set aside.
- ii) The Petition is accordingly disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)