

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

CRIMINAL WRIT PETITION NO. 4959 OF 2024

Hitesh Omprakash Pandey & Ors.

..Petitioners.

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Siddharth Jagushte for Petitioners.

Mr. Vinod Chate, APP for State/Respondent.

Ms. Simika Balasubramanian for Respondent No.2.

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

DATE : 4 DECEMBER 2024

PC :

1. This is a petition for quashing of the F.I.R. registered vide the C.R.No.899 of 2022 with Samata Nagar police station, on 14.06.2022, under sections 498A, 323, 504 and 506 r/w. 34 of the I.P.C. and the proceedings arising out of the said F.I.R. The investigation is over and the charge-sheet is filed.

2. The F.I.R. is lodged by the Respondent No.2. The petitioner No.1 is her husband, the petitioner Nos.2 and 3 are his parents. The Petitioner No.4 is brother of the petitioner No.1, the

Petitioner No.5 is the wife of the Petitioner No.4 and the petitioner No.6 is sister of the petitioner No.1. The F.I.R. mentions that the Respondent No.2 got married with the petitioner No.1 on 13.12.2020. Initially, there was a peaceful cohabitation, but slowly the petitioner no.1 started quarreling with the informant. All other petitioners also joined him. They used to illtreat and harass her. Sometimes she was confined in a room and she was not given proper food. They were taunting her. On 09.08.2021, the petitioner No.1 assaulted her, but the other petitioners did not help her. On one occasion, she consumed something dangerous, but the petitioners did not take any steps to give her proper treatment. The Respondent No.2 was forced to work because of their financial difficulty. The petitioner No.1 was not earning anything and yet he was harassing her. Ultimately, she lodged this F.I.R.

3. The investigation was carried out and the charge-sheet is filed. A copy of the charge-sheet is not annexed to the petition, however, the learned counsel for the petitioners produced a copy of the charge-sheet. The charge-sheet contains the statements of the Respondent No.2's sisters and uncle. They were supporting the

allegations in the F.I.R. Now the parties have settled the matter. They have preferred a matrimonial petition before the Family Court at Bandra for dissolution of their marriage.

4. The Respondent No.2 has filed her affidavit giving consent for quashing of the proceedings. She is present in the Court. She is identified by her learned counsel. She reiterated the contents of the affidavit and also stated before the Court that she has no objection if these proceedings are quashed.

5. The dispute between the parties is purely personal in nature. The allegations of consuming some substance is not supported by any other material in the charge-sheet. However, since the parties have now settled the matter and since the Respondent No.2 insisted that the F.I.R. be quashed so that she can live her life peacefully in future, we are inclined to allow this petition.

6. Hence, the following order:

O R D E R

- i) The F.I.R. registered vide the C.R.No.899 of 2022 with Samata Nagar police station, on 14.06.2022, under sections 498A, 323, 504 and 506 r/w. 34 of the I.P.C. and the proceedings arising out of the said F.I.R., are quashed and set aside.
- ii) The Petition is disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)