



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.5686 OF 2024

Tejas s/o. Late Pravin Kacha & Ors.Petitioners
Vs.
The State of Maharashtra & Anr.Respondents

Mr. Anand Mishra, for the Petitioners.
Mr. Vinod Chate APP, for Respondent No.1-State.
Mr. Yusuf Mithi, for Respondent No.2.

**CORAM : SARANG V. KOTWAL AND
DR. NEELA GOKHALE, JJ.
DATE : 17th DECEMBER 2024.**

P.C.:-

1) The present Petition is filed for quashing of the offence registered vide C.R.No.29 of 2021 at Vile Parle Police Station under Sections 498-A, 406, 323, 504 and 506 read with 34 of the Indian Penal Code and the resultant criminal case being No.PW/279/2023 pending before the Additional Chief Judicial Magistrate, 65th Court, Andheri.

2) The F.I.R. is lodged by the Respondent No.2. The Petitioner No.1 is her husband, Petitioner No.3 is his sister and Petitioner No.2 is husband of Petitioner No.3 and Petitioner No.4 is his friend. The F.I.R. mentions that the informant got married with Petitioner No.1 on 25th

February 2019. At that time, her family gave her *stridhan*. The F.I.R. thereafter goes on to mention various instances where she was ill-treated, particularly by her mother-in-law. The sister-in-law used to visit their matrimonial house and used to add to the ill-treatment. The Petitioner No.1 also used to harass her and used to threaten to commit suicide. On some occasion, the mother-in-law used to get aggressive and used to assault her. There are allegations that on one occasion, she suffered miscarriage because of some pills given by the Petitioner No.1. The Respondent No.2 has started residing separately. The Petitioners did not make any efforts to take her back. There are allegations that on some occasion, Petitioner No.1 obtained monetary help from the informant. Petitioner No.5 was not concerned with their dispute, but he used to intermeddle in their matrimonial life. On these allegations, the F.I.R. is lodged. The investigation is over and the chargesheet is filed.

3) Now the matter is settled between the parties. Both the parties have agreed to file Petition for divorce by mutual consent. The Respondent No.2 has filed her Affidavit giving her specific no objection for quashing of the proceedings. She has mentioned about the Petition filed for divorce by mutual consent. She has stated

specifically that she has no objection for quashing of the F.I.R. and resultant proceeding. She is present in Court. She is identified by her learned counsel. She reiterated before the Court that she has no objection for quashing of the proceedings.

4) Considering that the dispute is purely personal in nature between the private parties and since the parties have settled their dispute, we are inclined to allow this Petition. Hence, the following order:

ORDER

- (i) The F.I.R. registered vide C.R.No.29 of 2021 at Vile Parle Police Station and the resultant criminal case being No.PW/279/2023 pending before the Additional Chief Judicial Magistrate, 65th Court, Andheri are quashed and set aside.
- (ii) The Writ Petition is accordingly disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)