

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.5998 OF 2024

Rajiv Bhimsain Sharma and Ors.

.....Petitioners

Vs.

The State of Maharashtra & Anr.

.....Respondents

Ms. Latika Chitre, with Mr. Rohan Deshmukh & Ms. Pragati Angir, for the Petitioners.

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

Mr. Manoj Kondekar, with Ms. Farzana Khan & Ms. Deepika N. Mule, for Respondent No.2.

CORAM : SARANG V. KOTWAL AND

DR. NEELA GOKHALE, JJ.

DATE : 19th DECEMBER 2024.

PC.:-

1) The Petitioners seek quashing of the Regular Criminal Case No. 841 of 2019 pending before the Judicial Magistrate First Class, Kalyan arising out of the FIR No.198 of 2019 registered at Khadakpada Police Station, Kalyan, District-Thane for the offences punishable under Sections 498-A, 323, 504, 506, 507 read with 34 of the Indian Penal Code, 1860 ('IPC').

2) The Petitioner No.1 is the husband, the Petitioner Nos.2 and 3 are parents-in-law and the Petitioner Nos.4 to 6 are sister-in-laws of the Respondent No.2 respectively. The Respondent No.2 has stated in the FIR

that she married the Petitioner No.1 on 21st February 2019 at Navi Mumbai. She has alleged that immediately after the marriage, the Petitioner No.1 started abusing her and beating her. He told her that he wanted to marry for the 3rd time and used to threaten to divorce her. Her mother-in-law used to tell her that she married her son only for the purpose of procreation of a child. She was given 10 days old stale food. Because of this ill-treatment, the Respondent No. 2 filed the present FIR against the Petitioners.

3) Investigation is complete and the charge-sheet has been filed. During the pendency of the criminal proceeding, there has been amicable settlement of dispute between the parties pursuant to which the Respondent No.2 has filed an Affidavit dated 19th December 2024 duly affirmed before a Notary Public. In paragraph 4 thereof, she has stated that she has no objection if the criminal proceeding is quashed against the Petitioners.

4) Respondent No.2 is present in the Court today and is identified by her counsel. She reiterates the statements made by her in the Affidavit. In view of the fact that the dispute between the parties is purely civil in nature not affecting the society at large and since the Respondent No.2 does not wish to proceed with the criminal proceeding pursuant to the impugned FIR, we are inclined to quash the criminal proceeding. Hence, the following order:

ORDER

(i) Regular Criminal Case No. 841 of 2019 pending before the Judicial Magistrate First Class, Kalyan arising out of the FIR No.198 of 2019 registered at Khadakpada Police Station, Kalyan, District-Thane is quashed and set aside.

5) The Petition is accordingly allowed and disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)

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signed by
SHAMBHAVI
NILESH
SHIVGAN
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