

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

CRIMINAL WRIT PETITION NO.1984 OF 2024

Suresh Dayashankar Pandey
and others

.....Petitioners

Versus

The State of Maharashtra
and another

.....Respondents

.....

WITH

CRIMINAL WRIT PETITION NO.6165 OF 2024

Sunil Suresh Pandey

.....Petitioner

Versus

The State of Maharashtra
and another

.....Respondents

Ms. Deepa Panicker, Advocate a/w. Sanjay Chaturvedi, Supriya Chaturvedi for the Petitioners in both WPs.

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

Mr. I.P. Mishra, Advocate a/w. Vikas A. Mishra, for the Respondent No.2.

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

DATE : 18th DECEMBER, 2024

P.C. :

1. Criminal Writ Petition No.6165/2024 is not on board.

As the Petition concerning the same subject matter is on today's board, it is taken on the production board. Both these Petitions are decided by this common order because they arise out of the same registered FIR.

2. We have heard Ms. Deepa Panicker, learned counsel for the Petitioners in both WPs, Mr. Anand Shalgaonkar, learned APP for the Respondent No.1-State and Mr. I.P. Mishra, learned counsel for the Respondent No.2.

3. The Respondent No.2 in both these Petitions, who is the first informant, has lodged the FIR vide C.R. No.883/2023 registered at Tulinj police station under Sections 498-A, 406, 323, 504 read with 34 of IPC resulting in R.C.C. No.1355/2024 which is pending before the J.M.F.C. Vasai. The Petitioners in Criminal Writ Petition No.1984/2024 are father-in-law, mother-in-law and brother-in-law of the first informant. The Petitioner in Criminal Writ Petition No.6165/2024 is the husband of the first informant. She has stated in her FIR that she got married with her husband on 22.11.2019. At that time, her parents had given Rs.1 Lakh as dowry, gold ornaments and other articles. After the marriage, she went to reside with the Petitioners. She stayed with them for ten days and then she came back to her parents' house. Her husband used to visit twice in a week. Her in-laws were opposed to her taking education. After about one year, she had gone to her matrimonial house. At that time the Petitioners abused her and

her husband had beaten her. After that the husband and wife were residing separately, but, the husband was always suspecting her character. Ultimately that dispute escalated and she went to reside with her parents since December, 2021. After that no efforts were taken by the Petitioners to get her back to her matrimonial house. On these allegations, the FIR is lodged.

4. The charge-sheet is now filed. The main allegations are made in the FIR itself. Now the dispute is settled between the parties. Both the parties, that is husband and wife, have filed divorce proceedings before the Civil Judge, Senior Division at Vasai. The Respondent No.2 has filed two separate affidavits in both these Petitions giving her specific no objection for quashing of the FIR. She is present in the Court and she is identified by her learned counsel. She has specifically stated that she does not want to prosecute the matter any further and she has no objection for quashing of the FIR. She is satisfied with the arrangement of divorce, which is to take place subsequently.

5. Considering that the dispute between the parties is purely private in nature and the society at large is not involved, we are inclined to allow these Petitions.

6. Hence, the following order:

:: O R D E R ::

- i. The FIR vide C.R. No.883/2023 registered at Tulinj police station as well as the consequent criminal proceedings resulting in R.C.C. No.1355/2024 pending before the J.M.F.C. Vasai, are quashed and set aside.
- ii. Both the Petitions are disposed of accordingly.

(DR.NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)

Deshmane (PS)

PRADIPKUMAR
PRAKASHRAO
DESHMANE

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