

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 563 OF 2024**

1. Abhijeet Ramesh Dhanshetty
Age: 32 yrs., Occ: Service,
R/o., 1502, A-Wing,
Jemini Building,
Hiranandani Meadows,
Thane West

Applicant 1
Accused 1
2. Ramesh Maruti Dhanshetty
Age: 60 yrs., Occ: Retired,
R/o., 1502, A-Wing,
Jemini Building,
Hiranandani Meadows,
Thane West

Applicant 2
Accused 2
3. Meenakshi Ramesh Dhanshetty,
Age: 50 yrs., Occ: Housewife,
R/o., 1502, A-Wing,
Jemini Building,
Hiranandani Meadows,
Thane West

Applicant 3
Accused 3
4. Ajinkya Ramesh Dhanshetty
Age: 23 yrs., Occ: Student,
R/o., 1502, A-Wing,
Jemini Building,
Hiranandani Meadows,
Thane West

Applicant 4
Accused 4

Vs.

1. State of Maharashtra,
Bangur Nagar Police Station,
(Notice to be served on Public
Prosecutor, High Court, Mumbai.

2. Yogita Abhijeet Dhanshetty,
Age:- 29 yrs., Occ:-Housewife,
R/at:- B/106, Dattani Shelter,
Near Oshiwara Industry,
Opp. Goregaon Bus Depot,
New Link Road, Goregaon-W,
Mumbai 400 104

.....Respondents

Mr. Benimadhav H. Goswami, for the Applicants.

Ms. Mahalakshmi Ganapathy, APP for Respondent No.1-State.

Mr. Shamish M. Marwadi, with Mr. Devendra Shukla i/b Mr. Ashok Shukla
for the Respondent No.2.

**CORAM : A. S. GADKARI AND
DR NEELA GOKHALE, JJ.**
DATE : 23rd SEPTEMBER, 2024.

P.C. :-

1) The Applicants seek to quash Criminal Proceedings bearing R.C.C. No. 701/PW/2024 pending before 68th Metropolitan Magistrate, Borivali arising from FIR No.209 of 2023 dated 26th April 2020 registered with Bangar Nagar Police Station, Mumbai for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860 ('IPC').

2) Applicants No. 1 to 4 are the husband, father-in-law, mother-in-law, and brother-in-law of the Respondent No. 2 respectively. Respondent No.2 married the Applicant No.1 on 25th April 2022. It is the case of the Respondent No.2 that right from the beginning of the marriage, the Applicants treated her with utmost amount of mental and physical cruelty. Hence, she lodged the present F.I.R culminating in the criminal proceedings.

3) During the pendency of the criminal proceedings, certain

developments took place. The Respondent No.2 filed a Petition for divorce bearing No. F-143 of 2024 under Section 13B of Hindu Marriage Act, 1955 against the Applicant No. 1 in the Family Court at Bandra, Mumbai. During the pendency of the Divorce Petition, the matter was amicably settled between the parties and in the said proceedings, Consent Terms dated 21st December 2023 were filed.

4) Mr. Benimadhav Goswami, learned Advocate appeared for the Applicants, Mr. Shamish Marwadi, learned Advocate represented the Respondent No. 2 and Ms. Mahalakshmi Ganapathy, learned APP appears for the State.

5) Both the Advocates contend that considering the decision of the parties to resolve their dispute by amicable settlement and the Consent Terms filed before the Family Court, Mumbai, the subject criminal case be quashed. The Respondent No.2 has filed a Consent Affidavit dated 23rd September 2024 duly affirmed before a Notary Public. In the said Consent Affidavit, the Respondent No.2 has given her no objection to quash the subject criminal case and has said that she has received Rs.20,00,000/- (Rupees Twenty Lakhs Only) towards permanent alimony and maintenance. That, she has no objection to grant relief as prayed by the Applicants.

6) The Respondent No. 2 is present in the Court today. Mr. Shamish Marwadi, on instructions states that the Respondent No. 2 does not have any objection to quash the criminal proceedings pending against the

Applicants. Mr. Shamish Marwadi also reiterates the contents in the Consent Affidavit.

7) In these circumstances, the Criminal Proceedings bearing R.C.C. No. 701/PW/2024 pending before 68th Metropolitan Magistrate, Borivali arising from FIR No.209 of 2023 dated 26th April 2020 registered with Bangar Nagar Police Station, Mumbai, are quashed and set aside.

7.1) The Application is allowed in terms of prayer clause (b).

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)

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