

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

CRIMINAL APPLICATION NO. 1046 OF 2024

Sidharth Avtar Kak & Ors.

..Applicants

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Rahul Shelke a/w. Akshada Karale a/w. Pragati Khopkar for Applicants.

Smt. M. H. Mhatre for State/Respondent.

Ms. Gulestan Dubash for Respondent No.2.

Ms. Aditi Kak, Respondent No.2 (in person) appeared through V.C.

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

DATE : 21 OCTOBER 2024

PC :

1. This is an application for quashing of the proceedings arising out of the C.R.No. I 875 of 2021 dated 20.12.2021 registered at Kashimira police station, under sections 498-A, 323, 504 and 506 r/w. 34 of the I.P.C.

2. The investigation is over and the charge-sheet is already filed. It has resulted in R.C.C.No.3003 of 2023 before the J.M.F.C., Thane. Learned counsel for the Applicant seeks leave to add a

prayer for quashing of that case, as well. Leave is granted. Amendment to be carried out forthwith.

3. Heard Mr. Rahul Shelke, learned counsel for the Applicants, Smt. Mhatre, learned counsel for the State and Ms. Gulestan Dubash, learned counsel for the Respondent No.2.

4. The F.I.R. is lodged by the Respondent No.2. The Applicant No.1 is the husband of the Respondent No.2 and the other applicants are his parents. She has stated that, both of them belonged to different communities. They were studying in the same institute of technology. They got friendly and then developed a love relationship. It culminated in their love marriage on 23.09.2012. Both of them were belonging to different States. The F.I.R. mentions that, because of their background there used to be differences in their everyday lifestyle. There are allegations that, there was interference from her in-laws. The F.I.R. goes on to mention some petty issues resulting in quarrels and sometimes assault on the Respondent No.2. There is a reference that in 2019, the Applicant No.1 had gone to Malaysia in connection with his

job, but he had not taken the Respondent No.2 with him. After his return to India, he used to remain aloof. There is also a reference to some affair, but we are not inclined to refer to it in detail because of the subsequent development. On these allegations, the F.I.R. is lodged.

5. The investigation was completed and the statements of the witnesses were recorded. The charge-sheet contains statements of her parents, brothers and brothers' wife. All of them have supported the allegations in the F.I.R. Now the situation has completely changed. The parties have settled the matter. The Respondent No.2 and the Applicant No.1 are now residing together. She has stated in her affidavit that since about five months prior to filing her affidavit in August 2024, they are staying together. She has stated that the matrimonial disputes are settled in presence of their families and their efforts were successful in settling this matter amicably. Therefore, she is not desirous to continue prosecuting the applicants in the criminal proceedings arising out of this F.I.R. She has specifically given her no objection for quashing of these proceedings.

6. The Respondent No.2 appeared through the video conferencing. She was identified by her counsel. She specifically told the Court that she is residing with her husband i.e. the Applicant No.1 and that there were no problems between the applicants and herself.

7. Considering the changed circumstances, as can be seen, the applicants and the Respondent No.2 are peacefully residing together. They have settled their dispute. Therefore, it would be only in the interest of both the parties that the proceedings are quashed and set aside.

8. Hence, the following order:

O R D E R

- i) The F.I.R. registered vide the C.R.No. I 875 of 2021 dated 20.12.2021 registered at Kashimira police station, resulted in R.C.C.No.3003 of 2023 before the J.M.F.C., Thane, are quashed and set aside.
- ii) The Application is disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)