

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

CRIMINAL APPLICATION NO. 1067 OF 2024

Mandar Sudhir Mhatre	..Applicant
Versus	
The State of Maharashtra	..Respondent

**WITH
CRIMINAL APPLICATION NO. 820 OF 2024**

Seema Sudhir Mhatre & Anr.	..Applicants
Versus	
The State of Maharashtra	..Respondent

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

Mr. Ajay Patil, APP for State/Respondent.

Mr. Vivek P. Gothivarekar for Respondent No.2.

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

DATE : 21 OCTOBER 2024

PC :

1. Leave to amend to include the prayer to quash the criminal proceedings is granted. Amendment to be carried out forthwith.

2. The Applicants seek quashing of the criminal proceedings bearing C.C. No.2755/PW/2021 before the Metropolitan Magistrate, 26th Court, Borivali, Mumbai. There are two criminal applications. Both the applicants seek to quash the same criminal proceedings bearing C.C.No.2755/PW/2021 arising out of the C.R.No.I 1210 of 2020 registered with Borivali police station, Mumbai for the offence punishable U/s.498-A r/w. 34 of the I.P.C. Since both these applications seek to quash the same criminal proceedings, they are decided by this common order.

3. The Applicant in Criminal Application No.1067 of 2024 is husband of the Respondent No.2-first informant and the Applicants in Criminal Application No.820 of 2024 are the mother in law and the father in law of the Respondent No.2, respectively.

4. The first informant/Respondent No.2 has alleged that she was treated with cruelty by the applicants. She has alleged in the F.I.R. that the petitioners used to always demand money from her to buy the property and when she indicated her inability to do so, she was illtreated by them. Thereafter, they started insisting

that she should take loan to purchase a car and even on that ground she was harassed by them. The Applicant/husband did not pay any household expenses, but it was always the Respondent No.2 who was made to give Rs.10000/-p.m. towards the household expenses. She also realized that the Applicant Mandar was chatting with other girl friends and whenever she asked about the same, she was abused. She has narrated several other incidents of cruelty in the F.I.R. and on account of the same, there was marital discord between the parties. This led to the filing of the present F.I.R. and the consequent criminal proceedings.

5. Now it emerges that the parties have decided to resolve the matter amicably. The Respondent No.2 has filed her affidavit dated 23.09.2024 duly affirmed before the Notary Public. In an unnumbered paragraph of the affidavit, the Respondent No.2 has given her no objection to quash and set aside the criminal proceedings. She states that there has been settlement between the parties and she has received the settlement amount, as well as, her gold ornaments from the applicants.

6. The Respondent No.2 is present in the Court today. She is identified by her counsel. She reiterates all the statements made by her in the affidavit. In view of the aforesaid discussion and the fact that the nature of the proceedings is personal in nature and there is no offence against the society, as such, we are inclined to allow the applications.

7. Hence, the following order is passed:

O R D E R

i) The criminal proceedings bearing C.C.No.2755/PW/2021 before the Metropolitan Magistrate, 26th Court, Borivali, Mumbai, arising out of the C.R.No.I 1210 of 2020 registered with Borivali police station, Mumbai, are quashed and set aside.

ii) Both the Applications are disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)