

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

CRIMINAL APPLICATION NO.1089 OF 2024

Roshan Shashikant YadavApplicant
Versus
The State of Maharashtra
and anotherRespondents

**.....
WITH
CRIMINAL APPLICATION NO.1583 OF 2024**

Shashikant Yadav
and anotherApplicants
Versus
The State of Maharashtra
and anotherRespondents

Mr. Kartik Gantha, Advocate i/b. Omkar Khanvilkar Law
Chambers for the Applicants in both APLs.
Mr. Vinod Chate, APP for the Respondent No.1-State.
Mr. Prashant C. Mohite, Advocate a/w. Gurunath R. Sawant for
the Respondent No.2

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

DATE : 23rd OCTOBER, 2024

PC. :

1. Criminal Application No.1583/2024 is not on board. Taken on the production board as the companion Application No.1089/2024 is on today's board. Both these Applications are decided by this common order since both the Applicants impugn the same FIR and the criminal proceedings.

2. The Applicants in both Criminal Applications seek to quash Case bearing PW Case No.3099/2023 pending before the Metropolitan Magistrate, Railway Mobile Court, Andheri arising out of FIR No.532/2022 dated 14.9.2022 registered with Meghwadi police station, Mumbai for the offence punishable under Section 498-A read with 34 of IPC.

3. The Applicant in Criminal Application No.1089/2024 is the husband of the Respondent No.2- the first informant; and the Applicants in Criminal Application No.1583/2024 are the parents-in-law of the Respondent No.2.

4. The Respondent No.2 has alleged in the FIR that she was married to her husband Mr. Roshan on 15.4.2022.

Thereafter when she started staying together with her husband and his relatives, there were adjustment issues and it is her allegation that her mother-in-law was always used to control her actions. She has alleged that she was made to do all the household work alone while the others would be happily doing their own works. She was directed what to wear, when to sleep and when to get up. She complained to her husband but he never took her seriously and in fact abused her. She has narrated a number of incidents of cruelty inflicted upon her by the Applicants. She was made to leave her job and do the household work alone. Due to this behaviour, there was marital discord between the parties and consequently the FIR came to be filed.

5. The investigation was conducted, completed and a charge-sheet came to be filed. There are statements of her parents and brother in the charge-sheet which corroborate the allegations made by the Respondent No.2 in the FIR.

6. In the meantime, however, the parties have decided to settle their matter amicably and the Respondent No.2 has

filed an affidavit dated 4.9.2024 giving her consent to quash the FIR and the proceedings. She has also averred that there are consent terms filed in the Family Court in the Divorce Petition and she has received an amount of Rs.2,50,000/- as the first installment. She also states that the second and final installment of the same amount is agreed to be paid to her at the time of the second motion of the divorce proceedings. She is present before the Court today and is identified by her counsel. She has reiterated the averments made by her in the affidavit.

7. Considering the personal nature of the proceedings and the fact that there is a divorce petition with the consent terms pending between the parties, we are inclined to quash the FIR and the Criminal Proceedings arising therefrom.

8. Hence, the following order:

:: O R D E R ::

- i. Both the Applications are allowed.
- ii. The Criminal Proceedings being PW Case No.3099/2023 pending before the Metropolitan

Magistrate, Railway Mobile Court, Andheri as well as FIR No.532/2022 dated 14.9.2022 registered with Meghwadi police station, Mumbai for the offence punishable under Section 498-A read with 34 of IPC, are quashed and set aside subject to the Applicant No.1 husband making the payment of the balance installment of the maintenance amount to the Respondent No.2 as agreed. If such amount is not paid, the Respondent No.2 is at liberty to initiate appropriate action to recall the present order, if she so desires.

iii. The Applications are disposed of accordingly.

(DR.NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)