



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1503 OF 2023

Rohit Ramkripal DusadApplicant
Vs.
The State of Maharashtra & Anr.Respondents
WITH

CRIMINAL APPLICATION NO.1617 OF 2024

Susheela Ramkripal Dusad & Ors.Applicants
Vs.
The State of Maharashtra & Anr.Respondents

Mr. Madhukar Dalvi, with Adv. Nishtha Malik, Ms. Sonali Kochar, Adv. Bijal Soni and Mr. Tejas Horambe for Applicants in both Applications.
Mr. Ajay S. Patil, APP for Respondent No.1-State in both Applications.
Ms. Priti Singh for Respondent No.2 in both Applications.

CORAM : SARANG V. KOTWAL AND
DR. NEELA GOKHALE, JJ.
DATE : 12th NOVEMBER 2024.

P.C.:-

- 1) Both the Applications are being disposed by this common order as the Applicants have challenged the same C.R. in both the Applications.
- 2) The Applicant in Criminal Application No. 1503 of 2023 is the husband of the Respondent No.2/wife and the Applicants in Criminal Application No.1617 of 2024 are the relatives of the Respondent No.2's husband. All the Applicants seek quashing of Criminal Case No.PW/2811/2023 pending before the Metropolitan

Magistrate, 66th Court at Andheri, Mumbai arising from C.R.No.29 of 2023 dated 10th January 2023 for offences under Sections 498-A, 406, 377, 313, 323, 504, 506 read with 34 of the Indian Penal Code filed in Sakinaka Police Station, Andheri (East), Mumbai.

3) The marriage between the parties took place on 26th April 2002 at Jaipur, Rajstan as per the Hindu rites and ceremonies. The allegations made by Respondent No.2, as discerned from the F.I.R. are that the Applicants have treated the Respondent No.2 with utmost amount of mental and physical cruelty. She was harassed for bringing cash and other valuables from her parents. The Respondent No.2 has given a list of 15 items comprising of ornaments and jewelry demanded and gifted by her parents to the Applicants. According to the Respondent No.2, there were demands of further money from her parents. Her parents have also given an additional amount of Rs.4,00,000/- to the Applicants to satisfy their demands. She has narrated the ill-treatment given to her by the Applicants in the F.I.R. One incident which is stated is regarding the Applicant/husband compelling her to undergo medical termination of pregnancy on two occasions, since he was not interested or desirous to have a second child. She has also narrated instances where she was physically and

mentally harassed and abused. There are other incidents on account of which there was matrimonial discord between the parties leading to the filing of the present F.I.R. The chargesheet has been filed and along with the chargesheet there are statements of the parents of the Respondent No.2, her cousin as well as a friend. There is also a statement of the doctor, who has conducted the procedure of medical termination of pregnancy in respect of the Respondent No.2. According to the statement, the Respondent No.2 had given her consent and had presented herself before the said doctor.

4) Criminal Application No.1503 of 2023 was filed on merits seeking quashing of the criminal proceedings arising from the impugned F.I.R. In the interregnum, the parties decided to amicably resolve the differences and settle the dispute and hence the second Application bearing Criminal Application No.1617 of 2024 was filed by the relatives of the Applicant/husband by consent.

5) The Respondent No.2 has filed Affidavits dated 8th November 2024 in both the Applications giving her consent to quash the criminal proceedings. She is present in Court today and reiterates the averments made by her in the Affidavits. She is identified by her counsel. In paragraph No.4 of the said Affidavits, she has given her no

objection for quashing of the present F.I.R. culminating in the criminal proceedings. She has received part of the amount of maintenance, which is to be paid by her husband. The balance amount is already deposited in the Family Court, which she will be entitled to withdraw as per the agreed terms.

6) Considering the nature of the discord being personal and between the family members *inter se*, we are inclined to quash the criminal proceeding bearing No.PW/2811/2023 pending before the Metropolitan Magistrate, 66th Court at Andheri, Mumbai arising out of C.R.No.29 of 2023 dated 10th January 2023 for offences under Sections 498-A, 406, 377, 313, 323, 504, 506 read with 34 of the Indian Penal Code filed in Sakinaka Police Station, Andheri (East), Mumbai.

7) Accordingly, criminal proceeding No.PW/2811/2023 pending before the Metropolitan Magistrate, 66th Court at Andheri, Mumbai arising from C.R.No.29 of 2023 of Sakinaka Police Station are quashed.

8) The Applications are thus disposed off.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)