

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2481 OF 2023

Dr. Raghu Sudarshan ThotaPetitioner
Vs.
The State of Maharashtra & Anr.Respondents

WITH

CRIMINAL APPLICATION NO. 1728 OF 2024

Gajaraj Rajaram Pothu & Ors.Applicants
Vs.
The State of Maharashtra & Anr.Respondents

Ms. Shradha Vavhal, for the Petitioner.
Mr. Dharmendra Rohra a/w Mr. Ganesh narayanan and Mr. Karan d.
Rohra, for Applicant in Apl. 1728 of 2024
Mr. Ashish I. Satpure, APP for Respondent No.1-State in WP-2481 of
2023
Mr. Ajay S. Ptail, APP for Respondent No.1-State in Apl. 1728 of 2024
Ms. Archana Dukhande, for Respondent No.2 in both matters

**CORAM : SARANG V. KOTWAL AND
DR. NEELA GOKHALE, JJ.
DATE : 19th DECEMBER 2024.**

P.C.:-

1) Both these Petition and Application are decided by this common order because they arise out of the same registered offences and the same criminal proceedings.

- 2) Both these Petition and Application are filed for quashing of the F.I.R. registered vide C.R. No.631 of 2022 dated 22nd August 2022 at Parksite Police Station for offences punishable under Sections 498-A, 406, 504 and 506 read with 34 of the Indian Penal Code.
- 3) The investigation is over and the charge-sheet is already filed. The criminal case is pending vide Court case No.298/PW/2023 before the Additional Chief Judicial Magistrate, 31st Court, Vikroli, Mumbai.
- 4) The Criminal Writ Petition No.2481 of 2023 is already admitted vide order dated 3rd July 2024 and there is interim relief granted in favour of the Petitioner in that Petition. He is the brother-in-law of the Respondent No.2/first-informant. The said Petition was filed on merit of the matter by the husband of sister-in-law of the informant. The other matter i.e. Criminal Application No.1728 of 2024 is filed by the husband, husband's parent and two sisters for quashing of the same proceedings.
- 5) Heard Ms. Vavhal, for the Petitioner, Mr. Rohra, for Applicant in Criminal Application No. 1728 of 2024, Mr. Satpure, APP for Respondent No.1-State in Writ Petition No.2481 of 2023, Mr. Patil, APP for Respondent No.1-State in Criminal Application No.1728

of 2024, Ms. Dukhande, for Respondent No.2 in both matters.

6) The F.I.R. is lodged by the first-informant. She has stated that the Applicant No.2-Rajaram approached the informant's father with marriage proposal for the Applicant No.1-Gajaraj and the informant.

7) During talks for marriage, the Applicants demanded dowry in cash and also a flat which they wanted to be transferred in the name of the informant. The flat belonged to the informant's father. The marriage took place on 19th May 2019. At that time the entire expenses for the marriage were borne by the informant's father. He had given different gold ornaments as *stridhan* for the informant.

8) After the marriage, the Applicant No.4-Kiran took the informant's *stridhan* and gave it to Applicant No.3-Annapurna. They retained that *stridhan*.

9) The Applicants started ill-treating the informant. The ill-treatment continued. The F.I.R. mentions various instances when the Applicants put pressure on her for giving divorce to her husband.

10) She was made to do all the household work, they were insisting that her father's flat be transferred in the name of the Applicant No.1-Gajaraj. They retained her *stridhan*. They pressurized

her to put her signature on the documents. On these allegations, the F.I.R is lodged.

11) The investigation was carried out and the charge-sheet has been filed. The charge-sheet contains the statements of brother, father and uncle of the informant. They generally supported the allegations made in the F.I.R.

12) After all this, parties have decided to settle the matter. The settlement is arrived at. They have filed divorce proceedings before the Family Court. In the present proceedings, the informant has filed two separate Affidavits in both these matters, giving her specific no objection for quashing of these proceedings. The first informant is present in court. She is identified by her learned counsel. The informant reiterated the contents of her Affidavit and stated before the Court that she was satisfied with the settlement and she had no objection for quashing of these proceedings.

13) Considering that the dispute between the parties is purely personal in nature and since the parties have amicably settled the disputes, there is no point in continuation of the criminal proceedings. It would be an abuse of process of law. Therefore, we are inclined to allow these matters. Hence, the following orders:

ORDERS

- I) The F.I.R. registered vide C.R.No.631 of 2022 dated 22nd August 2022 registered at Parksite Police Station and Court case No.298/PW/2023 before the Additional Chief Judicial Magistrate, 31st Court, Vikroli, Mumbai are hereby quashed and set aside.
- II) The Petition and Application are disposed of accordingly.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)