

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

WRIT PETITION NO. 2128 OF 2024

Ramesh Gada and Others ... Petitioners
versus
State of Maharashtra and Another ... Respondents

**AND
WRIT PETITION NO. 6195 OF 2024**

Jitendra Raghavji Gada and Another ... Petitioners
versus
State of Maharashtra and Another ... Respondents

...
Mr.Jayesh Bhosale with Mr.Advait Helekar for the Petitioners in both the
Petitions.
Mr.S.V.Gavand, Addl.PP for the Respondent -State.
Mrs.Sangeeta J. Gada, Respondent No.2 present in person.
Mr.Manish Hajare, PSI, Dahisar Police Station.
....

**CORAM : RAVINDRA V. GHUGE AND
RAJESH S. PATIL, JJ.**

DATE : 2nd January, 2025

P.C. :

1. The first Petition is filed by the brother-in-law of the
Complainant, his wife and two sisters-in-law. The second Petition is
filed by the husband of the Complainant and his mother.

2. The First Information Report (FIR) dated 10th December,

2018 registered as Crime No. 852 of 2018 with Dahisar Police Station, indicates that the offences alleged by the Victim/ Complainant are punishable under Sections 498(A), 406, 325, 323, 504, 506 and 34 of the Indian Penal Code. It is undisputed that the FIR came to be registered on account of the matrimonial discord.

3. The Complainant has appeared in person before the Court today and has identified herself as Respondent No.2 (Sangeeta Jitendra Gada). The consenting affidavit dated 2nd January, 2025 (3 pages) along with a photostat copy of the Aadhar Card of the Complainant (4th page), are tendered by the Complainant before the Court. The same are taken on record and marked as 'X' for identification.

4. The Complainant points out the consent terms, at page No. 187 in the second Writ Petition, which have been tendered before the Family Court at Bandra in Petition No. A-1832 of 2018. The amount mentioned in paragraph 4 of the consent terms is said to be deposited before the Family Court by the husband. The learned Advocate for the husband confirms the said statement and submits that since the amount deposited before the Family Court is to be withdrawn by his wife, Respondent No.2, the said amount would not be withdrawn by the

husband or any of these Petitioners from the Family Court.

5. Respondent No.2, the Complainant, confirms that she would be withdrawing the said amount from the Family Court and she is bound by the consent terms set out in the said document. The Family Court would be passing appropriate orders in view of the consent terms and for the said purpose, the FIR lodged by the Complainant needs to be quashed by consent.

6. The learned Addl.PP submits that in light of the judgment delivered by the Hon'ble Supreme Court in *B.S.Joshi and Others V/s. State of Haryana and Another, 2003 (4) SCC 675*, the FIR can be quashed since it is a matrimonial dispute.

7. In view of the above, **both these Writ Petitions are allowed.** FIR No. 852 of 2018 dated 10th December, 2018 registered with Dahisar Police Station, stands quashed. Consequentially, CC bearing No. 2399/PW/ 2021 pending before the Judicial Magistrate First Class, 26th Court, at Borivali, Mumbai can be disposed off.

8. The Petitioners would place a copy of this order before the

learned Magistrate for the purposes of passing a formal order of disposing off the proceedings.

(RAJESH S. PATIL, J.)

(RAVINDRA V. GHUGE, J.)