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

CRIMINAL WRIT PETITION NO.2985 OF 2024

Sameer Sarfaraj Terdalkar

... Petitioner

Vs.

Mrs. Sharmin Sameer Terdalkar & Ors.

... Respondents

Ms. Rachana Harpale h/f Mr. Nitin P. Deshpande for the Petitioner.

Mr. Sagar Bhirange for the Respondent No.1.

Ms. Supriya Kak APP for the Respondent No.2-State.

**CORAM : SARANG V. KOTWAL &
SHYAM C. CHANDAK, JJ.**

DATED : 9th OCTOBER, 2025

P.C. :-

1) Present Petition is for quashing the proceedings bearing R.C.C. No.490 of 2016 pending before the Judicial Magistrate First Class, Cantonment Court, Pune arising out C.R. No.6 of 2015 registered at Kondhwa police station, Pune under Sections 406, 377, 323, 504, 506 read with 34 of the I.P.C.

2) The first informant is the Respondent No.1. The Petitioner No.1 was her husband and the Petitioner Nos.2 and 3 are parents of the Petitioner No.1. In this case, the trial has proceeded and the first informant is examined as P.W.1. At this belated stage, the parties have come for quashing by consent.

3) The allegations are made by the Respondent No.1. In her deposition she has described those allegations. She has stated that she got

married with the Petitioner No.1 on 11th November, 2001 at Kolhapur, at that time the entire expenses were borne by her parents. They had given ornaments to her. Initially, she started residing in her matrimonial house at Goa, but the Petitioner No.1 was working at Ratnagiri. She subsequently started residing with the Petitioner No.1. There are allegations that the Petitioner No.1 ill-treated her, abused her and beat her. Whenever the other two Petitioners used to visit them, they also ill-treated her. The main reason for ill treatment was because the Respondent No.1 could not get pregnant within a short period. There are further allegations which are purely personal in nature in respect of their physical relationship. In 2006, she gave birth to her daughter. But inspite of that there was no improvement in the behaviour of the Petitioners. The Petitioner No.1 started demanding Rs.5,00,000/-. The Respondent No.1's parents tried to fulfill that demand as well, but there was no improvement in the situation. Therefore, finally, she lodged the FIR.

4) Now, the matter is settled between the parties. The Respondent No.1 has filed her affidavit. She has given the details of the circumstances in which she had lodged this FIR. She has referred to a Divorce Petition. The Consent Terms are filed in the Divorce Petition. She has clearly stated in her affidavit that she had no objection for quashing of the present proceedings. The Respondent No.1 is present in the Court. She is identified by her learned Counsel. She stated before the Court that the matter is

settled between them and her daughter is residing with her and settlement is to her satisfaction. She submitted that the proceedings be quashed. We have considered the situation. This is the belated stage at which the parties have approached for quashing of the proceedings. However, this Court has already taken a view *vide* the Order dated 8th April, 2025 passed in Criminal Application (APL) No.1651 of 2024 that even at this stage the Petition for quashing can be entertained and in given case can be allowed. A reference was made to the Judgment of the Hon'ble Supreme Court in the case of **Ramgopal and another Vs. The State of Madhya Pradesh** decided on 29th September, 2021 in Criminal Appeal No.1489 of 2012.

The same ratio can be applied to the present fact situation and relief can be granted to the Applicants in this case, in view of the consent given by the Respondent No.1.

5) Hence, the following order :-

:: ORDER ::

- (i) The proceedings bearing R.C.C. No.490 of 2016 pending before the Judicial Magistrate First Class, Cantonment Court, Pune arising out FIR No.6 of 2015 dated 6th January, 2015 registered at Kondhwa police station, Pune under Sections 406, 377, 323, 504, 506 read with 34 of the I.P.C are quashed and set aside.
- (ii) Writ Petition is disposed of.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)