

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

CRIMINAL WRIT PETITION NO.3152 OF 2024

Varun Narendra Agarwal and Ors. Petitioners

Versus

The State of Maharashtra and Anr. Respondents

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Mr.Waqar Pathan, Advocate for the Petitioners.

Mr.J.P. Yagnik, APP for Respondent No.1-State.

Mr.Syed Asif Abbas Naqvi, Advocate for Respondent No.2.

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CORAM : Sarang V. Kotwal &

S.M. Modak, JJ.

DATED : 04.03.2025

P.C. :

1 The Writ Petition is filed for quashing of the First Information Report (FIR) registered vide C.R. No.341 of 2022, registered at MIDC Police Station for the offences punishable under Sections 354-B, 323 and 504 read with Section 34 of the Indian Penal Code (IPC) resulting in case No.PW/2200349/2023, pending before the learned Judicial Magistrate First Class, Andheri, Mumbai.

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2 Heard.

The FIR was lodged by Respondent No.2. Petitioner No.1 is her husband. The Petitioner Nos.2 and 3 are his parents and Petitioner No.4 is his sister. The FIR mentions that she got married with Petitioner no.1 in 2009. Since then she was residing with the Petitioners. The incident in question was dated 03.04.2022. It started on a petty issue. The quarrel started between Respondent No.2 and Petitioner No.4. The other Petitioners came to the room and started scolding Respondent No.2. The incident escalated further and it is her allegation that all of them abused and beat her. There are allegations that Petitioner No.2 tore her clothes. She called the helpline by dialing 100. She also informed her father. The police came at the spot. Respondent No.2 gave her NC complaint, which was registered vide NC No.892 of 2022, under Sections 323 and 504 of the Indian Penal Code (IPC). Subsequently, after she was assured by her family that her daughter was safe; she lodged the FIR. The investigation was carried out. The charge-sheet contains statements of Respondent No.2's father and the housemaid who was present at the time of the incident. Both of them have supported the Respondent No.2's case.

3 Now the matter is settled between the parties, Respondent No. 2 and Petitioner No. 1 have decided to part ways and file a divorce petition. The divorce petition is still pending. Respondent No. 2 has filed an affidavit-in-reply, in which she clearly states that the matter has been settled between the parties due to the intervention of friends and acquaintances. The settlement is amicable. She has given a specific no objection for quashing of the proceedings. She is present in the Court. She is identified by her counsel. She reiterated the contents of the affidavit. She stated before the Court that she has no objection for quashing of the proceeding. She further added that during the heat of the moment, her clothes were torn and she has no grievance about the same. Considering the stand taken by Respondent No.2 and also considering the fact that it was purely a private dispute between the parties, we are inclined to allow this Petition in the interest of justice and at the request of all the parties. No purpose will be served by keeping the prosecution pending.

7 Hence, we pass the following order.

:: ORDER ::

(i) The Writ Petition is allowed;

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(ii) The FIR registered *vide* C.R. No.341 of 2022 with MIDC Police Station, Mumbai, and the resultant case No.PW/2200349/2023, pending before the learned Judicial Magistrate First Class, Andheri, Mumbai, are quashed and set aside;

(iii) Writ Petition stands disposed of accordingly.

(S.M. Modak, J.)

(Sarang V. Kotwal, J.)