

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

CRIMINAL WRIT PETITION NO.4338 OF 2024

Nishant Manoj Chaturvedi

.... Petitioner

versus

The State of Maharashtra & Anr.

.... Respondents

.....

- Ms. Purvi Shah, Advocate for Petitioner.
- Smt. M. M. Deshmukh, APP for the State/Respondent.
- Ms. Gunjan Maurya i/b. Lex Arjava LLP, Advocate for Respondent No.2.

**CORAM : SARANG V. KOTWAL &
S. M. MODAK, JJ.**

DATE : 09th MAY, 2025

P.C. :

1. This Petition is filed for quashing of the proceedings arising out of C.R. No.590/2022, which has resulted in C.C. No.136/PW/2023 pending before the learned Judicial Magistrate First Class, 22nd Court, Andheri. The FIR is lodged at MIDC Police Station u/s 324, 323, 504, 506 of the Indian Penal Code.

2. Heard Ms. Purvi Shah, learned Counsel for the Petitioner, Ms. Gunjan Maurya, learned counsel for the

Respondent No.2 and Ms. M. M. Deshmukh, learned APP for the State.

3. The FIR is lodged by the Respondent No.2 on 08/05/2022 against the Petitioner, who is her husband. According to her, the Petitioner was addicted to liquor and smoking. The incident occurred on 07/05/2022. The Petitioner had gone out in the afternoon and returned back on 09.30 p.m. When the informant questioned him, according to her he assaulted her with a glass bottle. She informed this to her mother, who in turn sent the police to the informant's house. She was taken to the police station and then was taken to Cooper Hospital, Juhu, Mumbai. After taking treatment, she lodged the FIR. There is a reference to recording of conversation at the time of incident between the husband and the Respondent No.2.

4. The charge-sheet contains the statements of her neighbour. Learned APP showed us the medical certificate, which is not part of this Petition. The medical certificate shows

that the Petitioner had suffered injuries in the nature of nail abrasion on back and chest. Significantly, there was ACL damage. The medical certificate shows that there was buckling of posterior cruciate ligament, anterior tibial translation and sprain of infrapatellar synovial plica.

5. The matter is now settled between the parties. The Respondent No.2 has filed her affidavit-in-reply giving no objection for quashing of the proceedings. The Respondent No.2 is present before the Court through video conferencing. She is identified by her learned counsel. The Respondent No.2 told the Court that she wants to move ahead with her life. Her knee has improved to a large extent and she has no grievance against the Petitioner any more. She insisted that the proceedings against the Petitioner be quashed.

6. The dispute between the parties was basically a marital discord, which has led to this incident. The Respondent No.2 has not suffered permanent damage. She insisted that the proceedings are required to be quashed. In this view of the matter, we are inclined to allow this Petition.

7. Hence, the following order :

ORDER

- (i) The FIR vide C.R. No.590/2022, registered at MIDC Police Station and the further proceedings i.e. C.C. No.136/PW/2023 pending before the learned Judicial Magistrate First Class, 22nd Court, Andheri, are quashed and set aside.
- (ii) The Petition is disposed of.

(S. M. MODAK J.)

(SARANG V. KOTWAL, J.)