

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

**CRIMINAL WRIT PETITION NO. 2471 OF 2025
(SERIAL NO. 43)**

Harshul Harish ParikhPetitioner
Versus
1. The State of Maharashtra
2. Monica H. SambharyaRespondents

**ALONGWITH
CRIMINAL WRIT PETITION NO. 4360 OF 2024
(Serial No. 41)**

Nilima Harish ParikhPetitioner
Versus
1. The State of Maharashtra
2. Monica H. SambharyaRespondents

Ms. Parul Vedak a/w Ms. Sanamjeet Kaur - Advocate for the
Petitioner in WP 2471 of 2025.

Ms. Parul Vedak i/by Mr. Omkar Mulekar, a/w Ms. Sakshi Jogdand -
Advocate for the Petitioner in WP 4360 of 2024.

Ms. M. M. Deshmukh APP for the Respondent-State – in Cri. WP
4360 of 2024

Mr. J. P. Yagnik – APP for the Respondent-State in WP 2471 of 2025
Adv. Mr. Sadanand Shetty a/w Adv. Ms. Nidhi Chheda, Adv. Ms.
Iakshita Patyal – Advocate for Respondent No. 2

Respondent No. 2 and Petitioner No. 1 present in-person

Mr. Riyaz Mulla – PSI Worli Police Station

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

DATE : 06th MAY 2025

P.C. :

1. Both these petitions are decided by this common order today because they are arising out of same registered offence.
2. Both these petitions are for quashing of the SC/ST Special Case No. 1339 of 2023 arising out of C.R. No. 1137 of 2022 registered with Worli Police Station under Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. The Criminal Writ Petition No. 4360 of 2024 was initially filed on the merits of the matter but during pendency of this petition, the parties have settled their dispute and prayer is made for quashing by consent.
4. The FIR was lodged by the Respondent No. 2. It is not necessary to refer the allegations in the F.I.R. in detail, because the parties have now settled the dispute. However, the gist of the F.I.R. is that the Respondent No. 2 got in contact with the Petitioner - Harshul in the year 2008. The Petitioner-Nilima in Criminal Writ Petition No. 4360 of 2024 is her husband's mother. The F.I.R. mentions that the friendship turned into love relationship. They were

staying together since 2009, and they got married in the year 2013. It is her case that she belongs to a scheduled caste and therefore, the Petitioner-Nilima had opposed the marriage. The F.I.R. thereafter goes on to mention the general allegations as to how the Mother-in-law-Nilima humiliated her. She was not treated equally with the family members. The allegations against the husband are that he used to humiliate her with reference to her caste in front of his friends. There are allegations that she was deliberately not given equal shares in their Company, only because she belongs to a Scheduled caste. On these allegations the F.I.R. is lodged.

5. The charge-sheet contains the statements of Harshul's friends who have supported the informant's case. There are other statements of the employees of the Company. The charge-sheet is voluminous as unnecessarily various bank statements are made part of this charge-sheet.

6. The parties have now completely settled their dispute. The Respondent No. 2 has filed her separate affidavit in these petitions. She has annexed the consent terms to her affidavit filed in Criminal Writ Petition No. 4360 of 2024. She has stated that the matter

pertains to the matrimonial dispute, and she has given her unconditional consent for quashing of the criminal proceedings.

7. The Respondent No. 2 is present in the Court. She is identified by her learned counsel. She reiterated the contents of the affidavit and stated before the Court that she has no objection for quashing of these proceedings.

8. Considering this background, since the dispute between the parties was personal in nature and there was colour of the matrimonial discord, we are inclined to allow these petitions. There are some ancillary prayers made in the Criminal Writ Petition No. 2471 of 2025 for return of the passport and for setting aside the Look Out Circular pending against the Petitioner.

9. In view of the settlement between the Parties, we are inclined to quash the proceedings and pass necessary orders in respect of the ancillary reliefs claimed by the Petitioner-Harshul. Hence, the following order:-

ORDER

- (i) Both Writ Petitions are allowed.

(ii) The F.I.R. registered against both the Petitioners vide C.R.

No. 1137 of 2022 at Worli Police Station under Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the consequent proceedings bearing Special Case No. 1339 of 2023 pending before Sessions Court, Greater Bombay are quashed and set aside.

(iii) The investigating agency shall return the passport of the Petitioner-Harshul seized by the investigating agency in connection with present offence, if not required in any other offence.

(iv) The investigating agency also shall take steps to withdraw the Look Out Circular pending against the Petitioner-Harshul, if issued in respect of the present subject matter i.e. C.R. No. 1137 of 2022 of Worli Police Station.

10. With these observations, both petitions are disposed of.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)