

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

CRIMINAL WRIT PETITION NO.4476 OF 2024

1. Kishor Tulshiram Sambherao
2. Sushila Sambherao
3. Kaveri Dhawale
4. Kadambari alias Kavita Patil
5. Chetan Patil ...Petitioners

Versus

1. The State of Maharashtra and Another ...Respondents

Mr.Prashant Trivedi a/w Ms.Leecha Pokale, and Ms.Khushboo Jain i/b. Ms.Sudha Dwivedi – Advocates for Petitioners.

Mr.J.P.Yagnik – APP for Respondent No.1 – State.

Mr.Abhay Atithi – Advocate for Respondent No.2.

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

DATE : 23rd APRIL 2025

P.C. :

1. This is a Petition for quashing of the proceedings in respect of the R.C.C. No.302 of 2018 pending before the Judicial Magistrate First Class at Panvel, arising out of the C.R. No.I-41 of 2017 registered at NRI Sagari Police Station, Navi Satish Sangar

Mumbai under Sections 498-A, 406, 323, 504, 506 read with 34 of the Indian Penal Code, 1860 (“**IPC**”).

2. The F.I.R. is lodged on 18th February 2017 by the Respondent No.2. The Petitioner No.1 is her husband. The Petitioner No.2 is his mother. The Petitioner Nos.3 and 4 are his sisters. The Petitioner No.5 is the husband of the Petitioner No.4.

3. It is not necessary to refer to the allegations in the F.I.R. because the parties have settled the dispute, and the prayer is for quashing ‘*by consent*’.

The gist of the F.I.R. is that the informant got married with the Petitioner No.1 on 22nd July 2012. The informant’s family had spent for the wedding, and had given stridhan, and ornaments to the informant. They had given Rs.1,00,000/- (Rupees One Lakh) for purchasing a car parking place. The F.I.R. mentions that after the informant started residing at the matrimonial house, all the Petitioners started ill-treating her. The Petitioner No.1 was working in Australia. The couple was blessed with a daughter on 20th March 2014, but the Petitioners were not happy with the birth of a girl child.

There are allegations about different instances of ill-treatment. On all these allegations, the F.I.R. is lodged.

4. The investigation was carried out, and the charge-sheet contains the statements of the mother, brother, and a neighbour of the informant. The parties have now settled the dispute. This Petition was filed initially on the basis of Affidavit affirmed by the Petitioner No.1 before the Notary in Australia. However, the Petitioner No.2 has filed Affidavit in support of the Petition. The said Affidavit is affirmed before the Assistant Registrar of this Court.

5. The Respondent No.2 has filed her Affidavit-in-Reply. She has stated in her Affidavit, that she had also filed proceedings under the Protection of Women from Domestic Violence Act, 2005. Those proceedings have travelled upto this Court vide Criminal Writ Petition (Stamp) No.7962 of 2024. In those proceedings, the matter was tried to be settled amicably. The efforts were successful, and the parties arrived at a settlement. They executed the '*consent terms*' on 30th July 2024. The informant has withdrawn the Criminal MA/1226/2019 before the Judicial Magistrate First Class – Panvel. The

Petitioner No.1, and the Respondent No.2 have jointly filed a Divorce Petition seeking divorce by '*mutual consent*'. She has received certain amount to her satisfaction. In those circumstances, she has given her specific '*No objection*' for quashing of the present proceedings.

6. The Respondent No.2 is present in the Court. She is identified by her learned counsel. She reiterated the statements in the Affidavit. She informed the Court, that the settlement is arrived at with her satisfaction, and she has no grievance against the Petitioners. The daughter is staying with her, and that she has '*No objection*' for quashing of these proceedings. The dispute between the parties was purely personal in nature. The society at large was not involved. The parties have settled their dispute. Therefore, we are inclined to allow this Petition. Hence, the following order:-

O R D E R

- (i) The proceedings i.e. R.C.C. No.302 of 2018 pending before the Judicial Magistrate First Class at Panvel, arising out of the C.R. No.I-41 of 2017 registered at NRI Sagari Police Station, Navi Mumbai are quashed and set aside.

7. With these observations, the Petition is disposed of.

(S.M.MODAK, J.)

(SARANG V. KOTWAL, J.)