

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

CRIMINAL WRIT PETITION NO.4623 OF 2024

Kedar Divakar Joshi & Anr.

.... Petitioners

versus

The State of Maharashtra & Anr.

.... Respondents

.....

- Mr. Ameya Lambate, Advocate for Petitioners.
- Mr. S. V. Gavand, APP for the State/Respondent.
- Mr. Sagar Joshi, Advocate for Respondent No.2.

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

DATE : 24th FEBRUARY, 2025

P.C. :

1. This Petition is for quashing of the FIR registered vide C.R.No.308/2024 at Kapurbawdi police station, Thane City, u/s 498-A r/w 34 of the Indian Penal Code. The investigation is over and the charge-sheet is filed. The charge-sheet was filed during the pendency of this Petition. Therefore, the prayer is made for quashing of the entire proceedings arising out of the FIR. Leave to amend to add that prayer is granted. Amendment be carried out forthwith.

2. Heard Mr. Ameya Lambate, learned Counsel for the Petitioners, Mr. Sagar Joshi, learned counsel for the Respondent No.2 and Mr. S. V. Gavand, learned APP for the State.

3. The FIR is lodged by the Respondent No.2. The Petitioner No.1 is her husband and the Petitioner No.2 is her mother-in-law. She has stated in her FIR that she got married with the Petitioner No.1 on 11/02/2023. She started residing in her matrimonial house at Pune. The Petitioner No.1 was employed in USA. On 28/02/2023, both of them went to USA. They stayed there for some period. The FIR thereafter mentions that on one occasion, she saw some messages exchanged between the Petitioners, which indicated that they had not fully accepted her. The Petitioner No.1 got angry because she saw his private messages. The Respondent No.2 wanted to pay for the installment of home loan taken for her parents. But the Petitioner No.1 was not accepting her intention to pay the installments. The FIR thereafter goes on to mention that the Petitioner No.1 told her that the marriage was nor working and he wanted divorce. The Respondent No.2 tried to salvage her

marriage. She came back to India along with the Petitioner No.1 in September 2023. But there was no reconciliation. She started residing with her parents. The Petitioner No.1 sent her notice for divorce. The Petitioner No.2 always supported the Petitioner No.1. On this basis, the FIR is lodged.

4. The investigation was carried out. The copy of the charge-sheet is brought on record. It is taken on record and marked 'X' for identification. The charge-sheet contains the statements of parents and brother of the Respondent No.2. All of them have supported the statements in the FIR.

5. Now the matter is settled between the parties. The Respondent No.2 and the Petitioner No.1 have agreed to obtain divorce by mutual consent. The Respondent No.2 has filed her affidavit giving consent for quashing of these proceedings. There is a reference of payment of permanent alimony as one time settlement. The said amount is deposited in the Family Court at Thane. The Respondent No.2 is present in the Court. She is identified by her learned counsel. She reiterated the statement

made in the affidavit. She stated before the Court that she has no objection for quashing of these proceedings.

6. The dispute between the parties is purely personal in nature. The society at large is not involved. The parties have decided to part their ways. Both, the Respondent No.2 and the Petitioner No.1 are highly educated and well settled in life. No purpose will be served in continuing with the prosecution. Therefore, we are inclined to allow this Petition.

7. Hence, the following order :

ORDER

- (i) The FIR registered vide C.R.No.308/2024 at Kapurbawdi police station, Thane City and the consequent proceedings arising out of the said FIR, are quashed and set aside.
- (ii) The Petition is disposed of.

(S. M. MODAK J.)

(SARANG V. KOTWAL, J.)