

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4854 OF 2024

Gaurav Jagdish Malik & Ors. ... Petitioners

V/s.

State of Maharashtra and Anr. ... Respondents

Ms. Sadhna Singh, for the Petitioners.

Mr. Y.M. Nakhwa, APP, for the State.

Mr. Mohan Rawat, for the Respondent no. 2.

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

DATE : 3RD MARCH 2025.

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PC:

1. This is a petition for quashing of the FIR registered vide C.R. no. 254 of 2015 at Oshiwara Police Station under Sections 498-A, 406, 323, 504, 506 r/w. 34 of the Indian Penal Code and the proceedings of case No. PW/474/2019 pending before the learned Judicial Magistrate First Class, Railway Mobile Court, Andheri.

2. Heard Ms. Sadhana Singh the learned counsel for the Petitioners, Mr. Y.M. Nakhwa, APP, for the State and Mr. Mohan Rawat, learned counsel for the Respondent no. 2

3. The FIR is lodged by the Respondent no. 2. She has stated in the FIR that she got married with the Petitioner no. 1 on 30th June 2005.

The Petitioner no. 2 is his mother. The Petitioner no. 3 is his sister. The Petitioner no. 4 is the Petitioner no. 3's husband. The Respondent no. 2 has stated that at the time of marriage the Petitioner's family had represented that they had a house at Surat in their own name. The Petitioner no. 1 was educated and that he had his own shop. After marriage, she found that all these three representations were false. The FIR mentions that the Petitioner no. 1's father told her that they had suffered loss of Rs. 40 lakh and he asked the Respondent no. 2 to get the money from her father. There are allegations that the Petitioner no. 1 and Petitioner no. 2 started residing separately, but the ill treatment and harassment caused to her continued.

4. The FIR goes on to mention the various efforts made by the Respondent no. 2 to see to it that the Petitioner no. 1 settled in some business viz, restaurants, garment factory etc. But he did not conduct any business diligently. On one occasion, he took Rs. 4 lakh from her and had misappropriated that amount. In between, the couple was blessed with a son, but there was no change in his behavior. The FIR mentions that on 31st May 2015 the Petitioner no. 2 called her to Surat. At that time all the Petitioners assaulted and threatened her. On these allegations, the FIR is lodged.

5. Now the matter is settled between the parties. They have filed consent terms. There were litigations under the Protection of Women from Domestic Violence Act, divorce proceedings and the present FIR. All the litigations are settled between the parties. The Respondent no. 2 has filed her affidavit giving consent for quashing of the proceedings. There was a specific reference to the 'no objection' given by the

Respondent no. 2 for quashing of the proceedings. The Respondent no. 2 has appeared before the Court through video conferencing and she is identified by her learned counsel. She has reiterated the contents of the affidavit and she has no objection for quashing of the proceedings. The dispute between the parties is purely personal in nature. The parties are residing separately since 2015. They have settled the matters. It would be in the interest of all the parties concerned and in particular, in the interest of the Respondent no. 2's son that the litigations are put to rest. The society at large is not involved. Therefore, we are inclined to allow this petition. Hence, the following order:

ORDER

- i) The Criminal Writ Petition is allowed.
 - ii) The FIR registered vide C.R. no. 254 of 2015 at Oshiwara Police Station under Sections 498-A, 406, 323, 504, 506 r/w. 34 of the Indian Penal Code and the proceedings of case No. PW/474/2019 pending before the learned Judicial Magistrate First Class, Railway Mobile Court, Andheri are quashed and set aside.
6. Accordingly, the Criminal Writ Petition is disposed of.

(S.M. MODAK, J)

(SARANG V. KOTWAL, J)