

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

CRIMINAL WRIT PETITION NO.4909 OF 2024

Kamesh Udhov Khatuja
and another

.....Petitioners

Versus

The State of Maharashtra
and another

.....Respondents

Mr. Naveen Sharma, Advocate (appeared through video conferencing) for the Petitioners.

Mr. Y.M. Nakhwa, APP for the Respondent No.1-State.

Mr. Shrinidhi Sonak, Advocate for the Respondent No.2.

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

DATE : 03rd FEBRUARY, 2025

P.C. :

1. This is a Petition for quashing of R.C.C. No.148/2015 pending before the Judicial Magistrate, First Class, Pimpri, Pune under Sections 498-A, 406 read with 34 of IPC. The proceedings resulted from C.R. No.409/2014 registered at Sanghavi police station, Pune.

2. Heard Mr. Naveen Sharma, learned counsel for the Petitioners, Mr. Y.M. Nakhwa, learned APP for the Respondent

No.1-State and Mr. Shrinidhi Sonak, learned counsel for the Respondent No.2.

3. The FIR is lodged by the Respondent No.2 on 3.11.2024. The Petitioner No.1 was her husband and the Petitioner No.2 was her mother-in-law. The FIR mentions that she got married with the Petitioner No.1 on 6.4.2013. Her family spent for the ornaments and other expenses. After marriage, she started staying with the husband's family consisting of husband's parents and his sister. There are allegations that the Petitioner No.1's sister used to instigate him. The husband's sister subsequently started residing in USA. The FIR mentions that she was harassed on various grounds. Her ornaments were kept by the Petitioners in their possession. She was driven out of the matrimonial house. She was staying with her parents since 17.10.2014. Then she finally lodged the FIR on 24.11.2014. The investigation was completed and the charge-sheet was filed. The charge-sheet contains statements of parents, sisters and neighbour of the first informant. They have supported her case in the FIR.

Subsequently, the parties have settled the matter and even though the trial has started, the Respondent No.2 and her sister did not support the prosecution case. They did not give evidence against the Petitioners or other accused. The father-in-law has passed away and the sister-in-law is in USA. She did not attend the Court. The evidence of the Respondent No.2 is annexed to this Petition. She was declared hostile. She did not support any of the allegations made in the FIR. Similarly the informant's cousin was examined as PW-2, but she has not supported the prosecution case. She was also declared hostile. Thus, it is quite clear that continuation of the proceedings would be sheer abuse of process of law.

4. The Respondent No.2 has filed her affidavit in this Court, which is annexed at page-93 of this Petition. In the said affidavit, she has categorically stated that she has no objection if the present proceedings are quashed. The Respondent No.2 is present in the Court. She is identified by her learned counsel. She has specifically stated before the Court that she has no objection for quashing of the entire proceedings. She

added that she has no objection if the proceedings are quashed against her sister-in-law as well. The Respondent No.2 stated that she is not interested in proceeding with the matter at all.

5. We have considered the statements made by the first informant. We have also perused to her evidence where she has not supported the prosecution case. The case is pending since 2015. Continuation of these proceedings would be sheer abuse of process of law. In this view of the matter, we are inclined to allow the Petition not only against the present Petitioners but against all the accused.

6. Hence, the following order:

:: O R D E R ::

- i. R.C.C. No.148/2015 pending before the Judicial Magistrate, First Class, Pimpri, Pune, is quashed and set aside against all the accused, including the present Petitioners.
- ii. The Petition is disposed of accordingly.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)