

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

**CRIMINAL WRIT PETITION NO. 5410 OF 2024
WITH
INTERIM APPLICATION NO. 2046 OF 2025
IN
CRIMINAL WRIT PETITION NO. 5410 OF 2024**

Vimesh Velayudhan Ithikkat and Ors.

.... Petitioners

V/s.

The State of Maharashtra and anr.

.... Respondents

Mr. Zeeshan Siddique for the Petitioners.

Mr. S.R. Agarkar, APP for the Respondent Nos.1 and 2 – State.

Mr. Rajeev R. for Respondent No.3.

**CORAM : BHARATI DANGRE &
SHYAM C. CHANDAK, JJ.**

DATED : 23rd DECEMBER, 2025

P.C. :-

1) By Order dated 16/01/2025, the Petition was partly disposed of as the Advocates for the Petitioners made a statement that the Petitioner Nos.1 and 2 desire to withdraw the proceedings to their extent, and therefore, the Petitioner No.3 was only prosecuted by the Respondent No.3, the sister-in-law of the Complainant.

The Petition prayed for quashing and setting-aside of C.R.No.1920/2023 registered with Hadapsar Police Station, Pune invoking Section 498A read with 34 of the Indian Penal Code and it also prayed for quashing and setting-aside of the charge-sheet filed pursuant thereto and also

the Regular Criminal Case No.1004/2024 pending before Judicial Magistrate First Class, Cantonment Court, Pune.

2) During the pendency of the Petition before us, we are informed that the Petitioner No.1 – husband approached the Family Court, Kunnamkulam, Kerala under Section 13B of The Hindu Marriage Act, 1955 by filing Petition No.362/2025 and it is agreed that, pursuant to the decree being granted for mutual divorce, the dispute between the parties would be fully put to rest.

3) The Petition filed under Section 13B of the Hindu Marriage Act, 1955 recorded the settlement arrived between the parties, as it was agreed that the personal belongings of each of the Petitioner in possession of other, will be handed over and the Petitioners have no further claim regarding the property, maintenance or any other matter against each other. The 2nd Petitioner i.e., the husband agreed to pay a consolidated amount of Rs.15,00,000/- towards full and final settlement of the claims of the 1st Petitioner including past and future maintenance and in consideration of this, the wife agreed that she will not claim any kind of maintenance from the husband or his family.

Out of the agreed sum, a cheque to the tune of Rs.8,40,000/- and two cheques in the sum of Rs.10,00,000/- were issued in her favour and it was agreed that the balance of Rs.5,00,000/- will be paid at the time of giving the evidence.

4) The aforesaid settlement being arrived between the parties, which also include a specific clause that she shall accord her no objection to quash the Regular Criminal Case No.1004/2024 arising out of C.R.No.1920/2023, the Respondent No.3 has tendered an affidavit before us affirmed on 23/12/2025.

The said affidavit is taken on record. The understanding arrived between the parties is recorded in the said affidavit and in paragraph no.11, a specific statement is made by the deponent that the said affidavit is filed voluntarily, on her own free and accord, without any coercion, undue influence or pressure and she has accorded her no objection for quashing of the Criminal Case pending against the Petitioner.

5) In light of the aforesaid understanding arrived between the parties amicably and the marital discord has been put to an end, we see no difficulty to exercise our inherent jurisdiction to quash and set-aside the subject C.R.No.1920/2023 registered with Hadapsar Police Station, Pune as well as Regular Criminal Case No.1004/2024 pending before Judicial Magistrate First Class, Cantonment Court, Pune as continuation of the proceedings against the Petitioners would amount to abuse of process and the interest of justice called for that the proceedings against the Petitioner, sister-in-law deserve to be quashed in the wake of settlement arrived at between the husband and wife.

6) The Petition is made absolute in the aforesaid terms.

Interim Application No.2046 of 2025 stands disposed of in view
of disposal of the Petition.

(SHYAM C. CHANDAK, J.)

(BHARATI DANGRE, J.)

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JAYANI

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