

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

CRIMINAL WRIT PETITION NO.5486 OF 2024

Nishid Hitesh Soni
and another

.....Petitioners

Versus

Mira Nishid Soni
and another

.....Respondents

Ms. Pranothi Pawar, Advocate for the Petitioners.

Mr. S.R. Agarkar, APP for the Respondent No.1-State.

Mr. Sahil Choudhari, Advocate for the Respondent No.2.

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

DATE : 11th FEBRUARY, 2025

P.C. :

1. This is a Petition for quashing of the FIR registered vide C.R. No.1385/2022 at Kandivali (West) Police Station, Mumbai dated 9.12.2022 under Sections 498-A, 406, 323, 504, 506 read with 34 of IPC.

2. Heard Ms. Pranothi Pawar, learned counsel for the Petitioners, Mr. S.R. Agarkar, learned APP for the Respondent No.1-State and Mr. Sahil Choudhari, learned counsel for the Respondent No.2.

3. The FIR is lodged by the Respondent No.1. The Petitioner No.1 is her husband and the Petitioner No.2 is her father-in-law. The FIR mentions that she got married with the Petitioner No.1 on 8.2.2019. Thereafter she started residing with the Petitioners in their joint family consisting of not only the present Petitioners but even the brother of the Petitioner No.2 and his family. The allegations are that the Petitioners had retained the informant's *stridhan*. The Petitioner No.1 was addicted to liquor. He was ill-treating her. There are various allegations in the FIR about such ill-treatment, beating etc.. There is an allegation that the Petitioner No.2 was deliberately keeping the door of the bed-room open, which used to embarrass the informant. A common meeting between the families did not help and there was no change in the behaviour of both the Petitioners. On this basis, the FIR is lodged.

4. The investigation is carried out and the charge-sheet is filed. The charge-sheet contains the statements of the parents and the sister of the first informant, which support the case of the first informant.

5. The parties have now settled the dispute. They have decided to part ways. The informant has filed her affidavit in the present Petition. She has stated in the affidavit that she has got certain amount from the Petitioner No.1 and the balance amount was to be given to her after she gave no objection in this Petition. She has specifically stated in paragraph No.10 that she has no objection for quashing of the present offence and the resultant case pending before the Judicial Magistrate First Class, 17th Court, Borivali, Mumbai (the then Metropolitan Magistrate, 17th Court, Mumbai).

6. The Respondent No.1 is present in the Court. She is identified by her learned counsel. She reiterated contents of the affidavit before the court. She stated that she has no objection for quashing of the proceedings.

7. The dispute between the parties is purely personal in nature. The society is not involved. Continuation of the prosecution will not serve any purpose. It would be an abuse of process of law. Therefore, we are inclined to allow this Petition.

8. Hence, the following order:

:: O R D E R ::

- i. The FIR being C.R. No.1385/2022 at Kandivali (West) Police Station, Mumbai and the consequent proceedings i.e. Case No.4309/PW/2023 pending before the Judicial Magistrate First Class, 17th Court, Borivali, Mumbai, are quashed and set aside.
- ii. The Petition is disposed of accordingly.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)

Deshmane (PS)