

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

CRIMINAL WRIT PETITION NO. 5673 OF 2024

Bunty Premchand Manchundiya & Ors.Petitioners

Versus

The State of Maharashtra & Ors.Respondents

Mr. Rajas Naik, Advocate for the Petitioners.

Mr. J. P. Yagnik, A.P.P. for the Respondent-State.

Mr. Arjun B. Jeswani, Advocate for Respondent No. 3.

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

DATE : 10th FEBRUARY 2025.

P.C.:-

1. This is a Petition for quashing of the proceedings arising out of F.I.R. being C.R. No. 421 of 2023 dated 5th July 2023 registered with Central Police Station, Ulhasnagar-3, District-Thane for the offence punishable under Sections 498(A), 406, 504 & 506 read with 34 of the Indian Penal Code, 1860 and the consequent proceedings bearing Regular Criminal Case No. 1406 of 2023 pending on the file of Judicial Magistrate First Class, Ulhasnagar.
2. Heard Mr. Rajas Naik, learned counsel for the Petitioners,

Mr. J. P. Yagnik, learned A.P.P. for the Respondent-State and Mr. Arjun B. Jeswani, learned counsel for Respondent No. 3.

3. The F.I.R. is lodged by Respondent No. 3. Petitioner No. 1 is her husband; Petitioners No. 2 & 3 are his parents; Petitioner No. 4 is his sister; Petitioner No. 5 is the husband of Petitioner No. 4 and Petitioner No. 6 is the brother-in-law. The F.I.R. mentions that she got married with Petitioner No. 1 on 21st August 2022 at Ambernath. Both the families had spent for half of the expenses. The Informant's father spent for the gold ornaments. Thereafter, she started residing with Petitioner No. 1 and his family members. She realized that Petitioner No. 1 had made some false representation before the marriage regarding his residence etc. There are allegations that she was ill-treated and harassed. She was asked to deposit the entire salary earned by her in the account of her father-in-law. The husband i.e. Petitioner No. 1 asked her to get Rs. 5,00,000/- from his father to buy a two wheeler. It is her case that even her gold ornaments were retained by the Petitioners. On these allegations, the F.I.R. came to be lodged.

4. The investigation is carried out and the charge-sheet is

filed. The charge-sheet contains the statements of the brother and cousin of the first informant. They had supported the case of the prosecution.

5. The matter is now settled between the parties. Petitioner No. 1 and the Informant have decided to obtain divorce by mutual consent. Respondent No. 3 has filed her Affidavit-in-reply in the Registry. A copy of the Affidavit certified as true copy by both the learned counsel of the Petitioners and Respondent No. 3 is before the Court. In that Affidavit, she has stated that the parties have agreed to obtain divorce by mutual consent. She has no desire to prosecute the Petitioners further in the present case. She has stated that she has no objection for quashing of the F.I.R and the subsequent charge-sheet.

6. Respondent No. 3 is present in the Court. She is identified by her learned counsel. She reiterated the statements made in the Affidavit-in-reply. The dispute between the parties is purely personal in nature. The parties have settled their dispute. There is no point in continuing with these proceedings. It would be an abuse of process of law. Therefore, we are inclined to allow this Petition.

7. Hence, the following order :-

ORDER

The F.I.R. being C.R. No. 421 of 2023 dated 5th July 2023 registered with Central Police Station, Ulhasnagar-3, District-Thane for the offence punishable under Sections 498(A), 406, 504 & 506 read with 34 of the Indian Penal Code, 1860 and the consequent proceedings bearing Regular Criminal Case No. 1406 of 2023 pending on the file of Judicial Magistrate First Class, Ulhasnagar, are quashed and set aside.

8. Petition is disposed of accordingly.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)

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