

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

CRIMINAL WRIT PETITION NO.5873 OF 2024

Kaushik Chakrabarti

.....Petitioner

Versus

The State of Maharashtra
and another

.....Respondents

Mr. R.G. Bhat, Advocate i/b. Lata Wadhwani for the Petitioner.

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

Mr. Aditya Mehta, 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 C.C. No.880/PW/2011 pending before the 66th Judicial Magistrate, First Class, Andheri arising out of C.R. No.70/2011 registered with Sakinaka police station, Mumbai under Sections 498-A, 323, 504 of IPC.

2. Heard Mr. R.G. Bhat, learned counsel for the Petitioner, Mr.Y.M. Nakhwa, learned APP for the Respondent No.1-State and Mr. Aditya Mehta, learned counsel for the Respondent No.2.

3. The FIR is lodged by the Respondent No.2. She has stated that she got married with the Petitioner on 28.7.1999. Initially they stayed in a joint family. The couple had a son, who at the time of lodging of the FIR on 13.2.2011, was five years of age. The FIR mentions that since 2000 some quarrel started between the couple. The FIR mentions that on demand made by the Petitioner, the informant paid more than Rs.8,74,000/-. They decided to obtain divorce in the year 2010 but it was not taken to its conclusion. There are allegations that the Petitioner was harassing her mentally and physically. He used to beat her. On these grounds, the FIR is lodged. The investigation was carried out. The charge-sheet was filed. There are statements of mother, aunt and grand-mother of the informant who have supported her case. The case is pending since very long time i.e. from the year 2011.

4. Now the parties have settled their matter. We are informed that they have obtained divorce from the Family Court as well. The Respondent No.2/first informant has filed her affidavit giving her consent for quashing of the registered offence and the case arising out of the same. In paragraphs-2,

3 & 4, she has specifically given no objection for quashing of the proceedings. The Respondent No.2 is present in the Court. She is identified by her counsel. She stated before the Court that she has no objection for quashing of the proceedings and she stood by the averments made in the affidavit.

5. Considering that the dispute was strictly personal in nature and since the society was not involved, we are inclined to allow this Petition.

6. Hence, the following order:

:: O R D E R ::

- i. The proceedings being C.C. No.880/PW/2011 pending before the 66th Judicial Magistrate, First Class, Andheri arising out of C.R. No.70/2011 registered with Sakinaka police station, Mumbai, are quashed and set aside.
- ii. The Petition is disposed of accordingly.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)