

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

CRIMINAL WRIT PETITION NO.5880 OF 2024

Mamta Vishamber Mehrotra

.....Petitioner

Versus

The State of Maharashtra

and another

.....Respondents

Mr. Aditya Mehta, Advocate for the Petitioner.

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

Mr. R.G. Bhat, Advocate i/b. Lata Wadhvani 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.698/PS/2011 pending before the 66th Judicial Magistrate, First Class, Andheiri, Mumbai arising out of C.R. No.69/2011 registered with the Sakinaka police station, Mumbai.

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

3. The petitioner was wife of the Respondent No.2 – first informant. The allegations in the FIR are that they were husband and wife and had got married on 29.7.1999. After their marriage, there used to be some quarrels between the couple. They had decided to obtain divorce in the year 2010 but it was not taken to its conclusion. On 30.6.2010, the Petitioner consumed some sleeping pills. The informant and his family had immediately taken her to the hospital for treatment. She was saved and thereafter this FIR was lodged on 13.2.2011 under Section 309 of IPC.

4. Learned counsel for the Petitioner submitted that on that very date, the Petitioner had also lodged her FIR under Section 498-A of IPC at the same police station. After that the matter is settled between the parties. In the meantime, the investigation was carried out in both these cases and the charge-sheets were filed. In the present case, the charge-sheet contains statements of the parents of the informant, who have supported the informant's case. There is a statement of the doctor.

5. The incident had occurred in the year 2011. Thereafter the parties have settled the matter and in fact they have obtained divorce. The informant has filed affidavit giving his consent for quashing of the present proceedings arising out of C.R. No.69/2011 registered with Sakinaka Police Station, Mumbai. The Respondent No.2 is present in the Court. He is identified by his learned counsel. He reiterated the stand taken in the affidavit. He stated before the Court that he has no objection for quashing of the FIR and the other proceedings.

6. We have considered this situation. In any case, it appears to be an unfortunate incident when the Petitioner was driven to consume pills. The matter is settled between the parties. That incident is more than thirteen years old. No purpose will be served in keeping these proceedings pending. In such cases, the Court has to be sympathetic towards the person who had tried to take this extreme step. Absolutely no purpose would be served by continuing the proceedings except causing unnecessary harassment to the parties. The parties have already decided to go their separate ways. They have

already obtained divorce. Therefore, we are inclined to allow this Petition.

7. Hence, the following order:

:: O R D E R ::

- i. The proceedings being C.C. No.698/PS/2011 pending before the 66th Judicial Magistrate, First Class, Andheiri, Mumbai arising out of C.R. No.69/2011 registered with the Sakinaka police station, Mumbai, are quashed and set aside.
- ii. The Petition is disposed of accordingly.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)