

Kishor

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

WRIT PETITION NO. 5971 OF 2024

Sandeep Bholanath Shah and Ors.

..Petitioners

Versus

State of Maharashtra and Ors.

..Respondents

Mr. Rahul Pandey a/w. Mr. Shivam Dubey i/b. Omkar Ghag,
Advocates for Petitioners.

Mr. S. V. Gavand, APP for Respondent-State.

Mr. Shashank Dubey, Advocate for Respondent No.2.

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

DATE :- 29th JANUARY 2025

P. C. :-

1. This is a petition for quashing of the FIR registered vide C.R. No.158 of 2019 on 14th July 2019 before the Meghwadi Police Station, Mumbai under Sections 498(A), 506, 406 r/w. 34 of the Indian Penal Code and under Section 4 of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013. The prayer is also for quashing of the consequent C.C. No.1884/PW/2021 pending before the J.M.F.C., Railway Mobile Court at Andheri, Mumbai.

2. Heard.

3. The FIR is lodged by the Respondent No.2 (first informant). The Petitioner No.1 is her husband, Petitioner Nos.2 and 3 are his parents. In her FIR dated 14th July 2019 she has stated that her husband was a Builder. She is also one of the Directors and share holders in the business. She got married with the Petitioner No.1 on 8th December 2006. At that time the informant's family had spent for all the expenses and ornaments given to her. After the marriage the Petitioners took the ornaments in their custody. The FIR thereafter goes on to mention different instances harassment and the nature of harassment. There are allegations that the Petitioner No.1 was having extra marital affairs with many women. The other two Petitioners also supported him. There are allegations that the Petitioner Nos.2 and 3 were indulging in some practices and rituals which were not acceptable to the informant.

4. It is not necessary to go into the details of the allegations. Suffice it to say that these disputes and allegations are purely personal in nature. The informant had filed divorce proceedings in the Family Court at Bandra. After filing that divorce petition the informant approached Hon'ble Supreme Court for transferring that

matter before the competent Court in Kolkata. The said Transfer Petition (Civil) No.1894 of 2021 was disposed of by the Hon'ble Supreme Court vide order dated 1st February 2023 and there was reference about the settlement between the parties and the settlement agreement dated 5th January 2023.

5. It is quite clear now that the parties have settled the matter. In fact the informant / Respondent No.2 has filed her affidavit giving her consent for quashing of the FIR. The consent Affidavit is taken on record. In paragraph No.5 there is a reference to the consent terms and in paragraph No.8 there is a categorical statement that she had no objection for quashing of the present CR No.168 of 2019 registered with Meghwadi Police Station and the consequent charge-sheet bearing CC No.1884/PW/2021 before the learned Judicial Magistrate First Class. The first informant/ Respondent No.2 is present in the Court. She is identified by her learned counsel. She reiterated contents of affidavit and stated before the Court that she has no objection if the proceedings are quashed. Considering that the nature of dispute which is a subject matter of proceedings arising out of CR No.158 of 2019 at Meghwadi Police Station is purely personal in nature, we are

inclined to allow this Application. Hence the following order:

ORDER

(i) The C.R. No.158 of 2019 registered on 14th July 2019 resulted into C. C. No.1884/PW/2021 before the Meghwadi Police Station, Mumbai pending before the Judicial Magistrate (First Class), Railway Mobile Court at Andheri Mumbai are quashed and set aside.

6. The Writ Petition is accordingly disposed of.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)

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