

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

CRIMINAL WRIT PETITION NO.6004 OF 2024

1. Bharti Manohar Menghani
2. Amit Manohar Menghani
3. Manohar Tulsidas Menghani ...Petitioners

Versus

1. The State of Maharashtra and Another ...Respondents

Ms.Hemal Ganatra a/w Ms.Rushda Patel i/b. Advocate Usha Tanna and Associates – Advocates for Petitioners.

Mr.S.R.Agarkar – APP for Respondent No.1 – State.

Ms.Kalpana Shah – Advocate for Respondent No.2.

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

DATE : 29th APRIL 2025

PC. :

1. This is a Petition for quashing of the proceedings pending before the Judicial Magistrate First Class, Railway Court – Andheri vide PW/753/2020 arising out of the C.R. No.433 of 2018 registered with Oshiwara Police Station under Sections 498-A, 406, 323, 504, 34 of the Indian Penal Code, 1860 (“**IPC**”). The F.I.R. is lodged by the Respondent No.2. The

Petitioner No.1 is her mother-in-law, the Petitioner No.2 is her husband, and the Petitioner No.3 is her father-in-law.

2. Heard learned counsel Ms.Hemal Ganatra for the Petitioners, learned APP Mr.Agarkar for the Respondent No.1 – State, and the learned counsel Ms.Kalpana Shah for the Respondent No.2.

3. The charge-sheet is filed. However, the charge-sheet basically depends on the statement of the informant in the F.I.R.

4. The parties have settled the matter, and quashing of the proceedings is sought on the basis of the settlement between the parties. Therefore, it is not necessary to refer to the allegations in detail as are mentioned in the F.I.R. However, the gist of the allegations in the F.I.R. are that the parties came into contact with each other through a matrimonial site. Their engagement took place on 8th August 2015. At that time, the informant's family had given Rs.20,00,000/- (Rupees Twenty Lakh) to the husband, and two diamond rings to the father-in-law, and the mother-in-law respectively. The husband was given a luxury watch. However, his demand for car could not be met with.

The F.I.R. thereafter goes on to mention, that she was ill-treated by the Petitioners for not fulfilling their demands, and not giving sufficient articles at the time of wedding. The informant gave birth to her son on 1st April 2017 but even during the pregnancy, and after the pregnancy, she was not given a basic comfort needed due to her health condition, and the ill-treatment continued.

5. There are allegations that the Petitioners demanded a diamond necklace and a gold chain. The ill-treatment continued. Finally, the informant went back to reside with her parents since 13th June 2017. After that, the Petitioners never bothered to take her back.

On these allegations, the F.I.R. is lodged.

6. Now, the matter is settled between the parties. The “*consent terms*” are executed. The parties have preferred proceedings for divorce by “*mutual consent*”. The informant has stated in her Affidavit-in-Reply that she has “*No objection*” for quashing of these proceedings in view of the ‘*settlement*’ between the parties. She is going to withdraw the proceedings under the Protection of Women from Domestic Violence Act, 2005. We are informed, that during the proceedings of

Anticipatory Bail Application, the Petitioner No.2 had deposited Rs.20,00,000/- (Rupees Twenty Lakh) in this Court. That amount along with the interest is returned to the informant in this case and out of amount of Rs.70,00,000/- (Rupees Seventy Lakh), the balance amount is to be paid to her on the date when the decree for divorce is passed. The informant is satisfied with this settlement. She has given her “*No objection*” for quashing of these proceedings.

7. The Respondent No.2 is present in the Court. She is identified by her learned counsel. She reiterated the averments in the Affidavit-in-Reply. She stated before the Court, that she is satisfied with the settlement, and she has “*No objection*” for quashing of these proceedings. The dispute between the parties is purely personal in nature. The society at large is not involved. Therefore, we are inclined to allow this Petition. Hence, the following order:-

ORDER

- (i) The F.I.R. registered vide C.R.No.433 of 2018 at Oshiwara Police Station, and the consequent proceedings pending before the Judicial Magistrate First Class, Railway Court – Andheri vide PW/753/2020 are quashed and set aside.

8. With these observations, the Petition is disposed of.

(S.M.MODAK, J.)

(SARANG V. KOTWAL, J.)