

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

CRIMINAL APPLICATION NO.441 OF 2024

Prakash Menda & Anr. Applicants

versus

The State of Maharashtra & Anr. Respondents

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- Mr. Chinmay Page a/w Mr. Ashitosh Pawar a/w Mr. Muralidhar Khadilkar, Advocate for Applicants.
- Mr. S. V. Gavand, APP for the State/Respondent.
- Mr. Suresh Kolte, Advocate for Respondent No.2.

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

DATE : 28th APRIL, 2025

P.C. :

1. Heard Mr. Chinmay Page, learned Counsel for the Applicants, Mr. Suresh Kolte, learned counsel for the Respondent No.2 and Mr. S. V. Gavand, learned APP for the State.

2. The FIR is lodged by the mother of the victim. The Respondent No.2's daughter was married to the son of the Applicants. They got married on 20/02/2022 at Chennai. Certain ornaments were exchanged. After marriage both of them

started cohabiting in United States of America. After one month, the Applicants' son was to go to Canada. His wife i.e. the Respondent No.2's daughter also shifted to Canada. There were disputes between them on various reasons. The Respondent No.2's daughter disclosed that her husband was having some other relationship. She was finding that they could not consummate their marriage. This was brought to the notice of the Applicants. However, they did not respond. Instead, the Applicant Prakash, issued a legal notice. On this background, the FIR came to be lodged by the Respondent No.2 on 09/11/2023 with Kopri police station, Thane u/s 498-A, 406, 323, 504 r/w 34 of the Indian Penal Code.

3. There are proceedings filed by both the spouses against each other. The wife has filed Marriage Petition and proceedings under the Protection of Women from Domestic Violence Act, 2005, whereas the husband has filed a divorce Petition. There was a Transfer Application filed before the Hon'ble Supreme Court. During the pendency of that application, both the parties have resolved their dispute through mediation and have entered

into consent terms. They have decided to dissolve the marriage by mutual consent and accordingly consent terms were filed before the Family Court at Chennai. One of the terms is to give consent for quashing of the FIR. The charge-sheet is not yet filed. Today, the first informant-Respondent No.2 is present and she has tendered her affidavit thereby giving consent for quashing of the FIR. She has reiterated the contents of the affidavit. She is identified by her advocate. It is submitted that she is having power of attorney of her daughter. It is not produced nor there is any reference in the affidavit. But still the Respondent No.2 affirms that her daughter is also having consent for quashing of the FIR. She undertakes her entire responsibility. Even otherwise, there are consent terms executed between both the spouses. The dispute is personal in nature. The terms are mentioned therein. The concerned Court will have to look into those terms and its compliance. Even the Applicants' son has filed an affidavit reiterating all the events relating to the settlement between the parties. It is taken on record.

4. The dispute is personal in nature and no purpose will

be served in continuing the prosecution because it will come in way of their future. Therefore, we are inclined to quash the proceedings.

5. Hence, the following order :

ORDER

- (i) The FIR vide C.R.No.224/2023 registered with Kopri Police Station, Thane and the further proceedings arising out of the said FIR, are quashed and set aside.
- (ii) The application is disposed of.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)