

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

Criminal Application No. 513 of 2024

Mr. Joginder R. Gupta and others	...	Applicants
V/s.		
State of Maharashtra and others	...	Respondents.

Mr. Yogesh Rawool i/b. Jasbir K. Joshi, Advocate for the Applicants
Smt. M.M.Deshmukh, APP for the State.
Mr. Brijesh Shukla a/w. Ravi Patwa for Respondents.

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

DATE : 03rd March 2025.

P.C. :

This is an application for quashing of FIR vide C.R. No.61/2020 registered with Vasai Police Station, District Palghar under Sections 323,326,504,506,141,143,147,148 and 149 of Indian Penal Code and the consequent Regular Criminal Case No. 292/2022 pending before the JMFC, Vasai.

2. Heard Mr. Yogesh Rawool, the learned counsel for the Petitioners, Smt. M.M. Deshmukh, the learned APP for the State and Mr.Brijesh Shukla, the learned counsel appearing for the Respondents.

3. The FIR is lodged by Respondent No.2-Ashutosh Jaiswal. He

has stated that his younger sister Aarti got married to one Ramesh Jaiswal. Suresh who is Ramesh's brother was having matrimonial dispute with his wife Supriya. The Petitioners are the family members of Supriya. Out of this matrimonial dispute, the informant's group went to the house of the Petitioners on 24th February 2020 at about 8.00 p.m. There was a quarrel and it is alleged that the Applicant No.1-Joginder who is father of Supriya gave a blow with knife on the informant. In the same incident Suresh, Ramesh and Bhavna were also assaulted. On these allegations, the FIR is lodged. The investigation was carried out and the statements of the eye witnesses for the informant's group have supported this case. The medical certificate of Ashutosh show that he had suffered two CLWs on the left index and middle finger of the size 4.3 x 2 and 3.1 x 1 cm. There was left eye swelling. The medical report does not show that there were grievous injuries. There are no injury certificates in respect of other witnesses.

4. The parties have now settled the matter. Ramesh and Supriya have filed proceedings for divorce. The petition is filed for quashing by consent. The injured Ashutosh has filed his affidavit. Separate affidavits are filed by Ramesh, Suresh and Bhavna. All of them have given their specific no objection for quashing of the proceedings. All these members are present before the Court. All of them are identified by their learned counsel. The other 3 except Ashutosh have suffered very minor blows and traumas, however, Ashutosh had suffered CLW. He is present in the Court. He stated before the

Court that the injuries were not grievous. He was able to carry out his normal routine within a week. None of the injuries was grievous though Section 326 of IPC was applied. All of them have stated that they have no objection for quashing of these proceedings as the matter is settled between the parties.

5. We have considered these submissions. The Society at large is not involved. It was a private dispute basically arising out of matrimonial dispute between Suresh and Supriya. The informant's group had gone to the house of Petitioner No.1. Thus there is scope to believe that informant's group was the aggressor. In any case no serious injury was caused and parties have settled the matter. Therefore, we are inclined to allow the application. Hence, the following order:

ORDER

- (i) The Criminal Application is allowed.
- (ii) The FIR vide C.R. No.61/2020 registered with Vasai Police Station, District Palghar under Sections 323, 326, 504, 506, 141, 143, 147, 148 and 149 of Indian Penal Code and the consequent charge-sheet and proceedings arising out of the same are quashed and set aside.

6. The Criminal Application is disposed of accordingly.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J)