

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

CRIMINAL APPLICATION NO.1464 OF 2024

Sunil Shankar Desai

...Applicants

Versus

The State Of Maharashtra & Anr.

...Respondents

Mr. Rahul Shelke a/w Mr. Akshada Karale for Applicants.

Mr. B. V. Holambe-Patil APP for State.

Mr. Sunil Desai for Respondent No.2.

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

DATED : 12th FEBRUARY 2025

P.C. :

1 This petition is for quashing of the FIR registered vide C.R. No.I-0860/2022 at Navghar Police Station on 3rd November 2022 under Sections 498A, 323, 406, 504, 506 read with Section 34 of the Indian Penal Code and resultantly the case bearing RCC/1605/2023 was filed before the JMFC, Court Thane.

2 The FIR is lodged by the Respondent No.2. She has stated that she got married with the Applicant No.1 on 6th May 2017. The other Applicant is the brother of the Applicant No.1. After the marriage, she started residing in a matrimonial home with both the Applicants and the wife of the Applicant No.2. Initially for about 10 years they had good relations. Thereafter, the informant and her husband started residing at Badlapur (E). There are allegations in the FIR that the Applicant No.1 used to suspect her character and used to threatened her. Applicant No.2 used to instigate her. There are

allegations that the Applicant No.1 had retained her ornaments and used to harass her. On this basis, the FIR is lodged. The investigation is carried out and the charge-sheet is filed. There are statements of parents of the informant in the charge-sheet. They are on the similar lines as of FIR. The matter is now settled between the parties.

3 The Respondent no.2 is present in court. She has filed her affidavit. In that affidavit, she has stated that she and applicant no.1 have amicably finalized the consent terms and they have filed the marriage petition before the Civil Judge Senior Division, Kalyan for divorce. In paragraph 6 of the affidavit, she has stated she has agreed to withdraw all the allegations made in the present FIR. In paragraphs 12 and 14 of the affidavit, she has given no objection for quashing of these proceedings. The Respondent no.2 is present in court. She is identified by her Learned Counsel. She reiterated the statements made in the affidavit. She submitted that the proceedings be quashed as the parties have settled the matter.

4 The dispute between the parties is personal in nature. They have settled the dispute. They have applied for divorce by mutual consent. Therefore, there will be no point in continuing with the proceedings. Hence we are inclined to allow the present application.

5 Hence the following order:-

- (i) The FIR registered vide C.R.No.I-0860/2022 at Navghar Police Station on 3rd November 2022 under Sections 498A, 323, 406, 504, 506 read with Section 34 of

the Indian Penal Code and the consequent proceedings arising out of the said FIR are quashed and set aside.

(ii) Application disposed of.

(S. M. MODAK J.)

(SARANG V. KOTWAL J.)