

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

CRIMINAL APPLICATION NO.157 OF 2021

Vitthal Narayan Shetty and Ors.

...Applicants

Versus

The State of Maharashtra and Anr.

...Respondents

**WITH
CRIMINAL APPLICATION NO.1485 OF 2024**

Preetish Vitthal Shetty and Ors.

...Applicants

Versus

The State of Maharashtra and Anr.

...Respondents

Mr.Shreyansh R. Mithare a/w Ms.Anjali Nimbkar and
Mr.Avinash S. Kori – Advocates for Applicants in both the
Applications.

Smt.M.M.Deshmukh – APP for Respondent No.1 – State in
Application No.157 of 2021.

Mr.B.V.Holambe – Patil – APP for Respondent No.1 – State in
Application No.1485 of 2024.

Ms.Racheeta R. Dhuru a/w Ms.Prachi A. Parte – Advocates for
Respondent No.2.

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

DATE : 14th FEBRUARY 2025

P.C. :

Satish Sangar

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1. Both these Applications are decided by this common order today. Because, the prayer in both these Applications is for quashing of the F.I.R. registered vide C.R. No.187 of 2020 at Kalachowky Police Station and the resultant proceedings i.e. C.C. No.158/PW/2021 pending before the learned Judicial Magistrate First Class, 15th Court, Sewree, Mumbai.

2. The Applicants in Criminal Application No.157 of 2021 are the father-in-law, mother-in-law and the brother-in-law of the Respondent No.2 – First Informant. The father-in-law has expired and therefore, the Application survives only for the Applicant Nos.2 and 3 in Criminal Application No.157 of 2021.

3. In Criminal Application No.1485 of 2024, the Applicants are the husband, brother-in-law and the sister-in-law of the First-Informant. The offences are under Sections 498-A, 406, 323, 504, 506 read with 34 of the Indian Penal Code, 1860 (“**IPC**”).

4. Heard Mr.Shreyansh R. Mithare for Applicants in both the Criminal Applications, Smt.M.M.Deshmukh–APP for Satish Sangar

Respondent No.1–State in Application No.157 of 2021, Mr.B.V.Holambe–Patil, APP for Respondent No.1–State in Application No.1485 of 2024 and Ms.Racheeta R. Dhuru for Respondent No.2.

5. The F.I.R. is lodged by the Respondent No.2 on 15th October 2020. She has stated that she got married with the Applicant – Preetish on 19th May 2014. At that time, her father had spent around Rs.60,00,000/- (Rupees Sixty Lakh) for the engagement and the wedding. After that, she went to reside with the Applicant. The couple was given a rented room near their common house but all the other Applicants used to visit the couple and used to interfere with their life.

It is her case, that within a short time, the husband told her that he was not interested in staying with her and ill-treated her. The F.I.R. records the instances of beating and ill-treatment meted out to the informant. There are allegations about the harassment in respect of their physical relations. Besides this allegation against the husband, there are allegations that the husband had taken financial help from the informant but had not returned that amount. The other

Applicants had treated her badly. She was forced to reside with her parents since March-2020 and ultimately, she lodged the F.I.R. as there was no response from the Applicants for co-habitation.

6. The investigation was carried out and the charge-sheet was filed. The charge-sheet contains the statements of the parents, brother and sister of the informant. They have supported her case in the F.I.R. Some of the instances had taken place in their presence. There is a statement of the househelp wherein he has described the quarrels between the informant and the husband.

7. After all this, the matter is now settled between the parties. The informant has obtained divorce from her husband by mutual consent. The Respondent No.2 has filed her Affidavit giving “No consent” for quashing of the proceedings. She has stated, that she had received Rs.50,00,000/- (Rupees Fifty Lakh) and today, a Demand Draft of Rs.35,00,000/- (Rupees Thirty Five Lakh) was handed over to her in the Court. She has no grievance against any of the Applicants. She has given her specific “No objection” for quashing of those proceedings. She

is present in the Court and has given her 'No objection' for quashing of the proceedings.

8. The dispute between the parties is purely personal in nature. The society at large is not involved. The parties have settled their disputes and they have decided to lead their separate lives. No purpose will be served by continuation of these criminal proceedings. They need to be quashed in the interest of justice. Hence, following order is passed:-

O R D E R

- (i) The C.R.No.187 of 2020 registered with Kalachowky Police Station, Mumbai and the resultant proceedings C.C. No.158/PW/2021 pending before the learned Judicial Magistrate First Class, 15th Court, Sewree, Mumbai, are quashed and set aside.
- (iii) Both the Criminal Applications are disposed of in the aforesaid terms.

(S.M.MODAK, J.)

(SARANG V. KOTWAL, J.)