

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

CRIMINAL APPLICATION NO. 1681 OF 2024

1. Nelson Nemi Thimayya
2. Mrs. Magret Nemi Thimmayya
3. Ms. Christina Nemi ThimmayyaApplicants
Versus
1. The State of Maharashtra and
2. Mrs. Rita Immaculate ThomasRespondents

Ms. Radhika Mehta - Advocate for the Applicants.
Mr. S. R. Agarkar - APP for the Respondent-State.
Mr. Allen Mathew – Advocate for Respondent No. 2.

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

DATE : 12th MARCH 2025

P.C. :

1. This is an application for quashing of the F.I.R. registered vide C.R. No. 162 of 2022 dated 09.07.2022 at Chitalsar Manpada Police, Thane Station under Section 498-A, 504 read with 34 of the Indian Penal Code.
2. The F.I.R. is lodged by the Respondent No. 2. The Applicant No. 1 is her husband. The Applicant No. 2 is her Mother-in-law and the Applicant No. 3 is her Sister-in-law.

3. The F.I.R. mentions that she got in contact with the Applicant No. 1 through a matrimonial website. They got married on 15.12.2018. The F.I.R. thereafter goes on mention various instances and the allegations referring to the ill-treatment and harassment caused by the Applicants to the Respondent No. 2. The Respondent No. 2 was abused and beaten on many occasions. The cause of the dispute started with the alleged extra marital relations between the Applicant No. 1 and another lady. On this basis, the F.I.R. is lodged.

4. Now the matter is settled between the Parties. The Respondent No. 2 has filed her affidavit giving her consent for quashing of the proceeding. It is mentioned in the affidavit that they have filed M.J. Petition No. A-2947 of 2021 before the Family Court at Bandra to seek divorce by mutual consent. In that petition, the Consent Terms are filed. She has specifically stated in paragraph no. 3 of the affidavit that in view of the Consent terms, she has no objection for quashing of the present proceeding.

5. The Respondent No. 2 is present in the Court. She is identified by her learned Counsel. She has reiterated the statement made in the affidavit, and she has stated before the Court that she has no objection for quashing of the proceeding.

6. The dispute between the Parties is purely personal in nature. The society at large is not involved. The Parties have settled their matter and continuation with the criminal prosecution against the Applicants will not serve any purpose. Hence, the following order:-

ORDER

- (i) The Criminal Application is allowed.
- (ii) The F.I.R. registered against the present Applicants vide C.R. No. 162 of 2022, at Chitalsar Manpada Police Station, Thane City under Sections 498-A, 504 read with 34 of the Indian Penal Code and the consequent proceedings are quashed and set aside.

7. Accordingly, Criminal Application is disposed of.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)