

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

CRIMINAL APPLICATION NO. 519 OF 2022

Shreyansh Ramchandra Upadhyay & Ors.

..Applicants

Versus

The State of Maharashtra & Anr.

..Respondents

**WITH
INTERIM APPLICATION NO. 3662 OF 2024
IN
CRIMINAL APPLICATION NO. 519 OF 2022**

Mr. Sanjay Kulkarni i/b. V. B. Tiwari for Applicants.

Smt. M. H. Mhatre, APP for State/Respondent.

Mr. Khalid Gujjar a/w. Deepa Panicker for the Respondent No.2.

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

DATE : 13 MARCH 2025

PC :

1. Learned counsel for the Applicants seeks leave to amend to add the prayer for quashing of the criminal case pending before the learned J.M.F.C., Vasai. Leave to amend for that purpose is granted. Amendment to be carried out forthwith.

2. This is an application for quashing of the proceedings arising out of the C.R.No.91 of 2021 registered at Manikpur police

station, Palghar, on 13.03.2021, under sections 498A, 406, 354, 323, 504 and 506 r/w. 34 of the I.P.C. and the consequent proceedings. The F.I.R. is lodged by the Respondent No.2. The Applicant No.1 was her husband, the Applicant Nos.2 and 3 are his parents. There is another accused in this case i.e. the brother of the Applicant No.1 who is not in India. The application is for quashing of the proceedings by consent of the parties. The Respondent No.2 has given her consent for the quashing of the proceedings. In this view of the matter, we are considering the quashing of the entire proceedings including that against the brother of the Applicant No.1 who is abroad.

3. The F.I.R. lodged by the Respondent No.2 mentions that, she got married with the Applicant No.1 on 09.12.2020 in Mumbai. Her family spent for the entire expenses of around Rs.10 lakhs. The Applicants had taken Rs.12 lakhs at the time of engagement. Her parents had given her gold ornaments which are mentioned in the F.I.R. The F.I.R. thereafter goes on to mention various instances of illtreatment and harassment. On some occasions, the applicants tried to establish that she had lost her

mental balance. On or such allegations the F.I.R. is lodged, but it is not necessary to refer to the allegations in detail because the parties have now settled the matter. The investigation was carried out and the charge-sheet was filed. During investigation the statements of the parents and uncle of the Respondent No.2 were recorded. They supported the allegations made in the F.I.R.

4. Now, the matter is settled between the parties. The Respondent No.2 has filed her Affidavit giving her consent for quashing the proceedings. The Affidavit mentions that there were other proceedings under the Protection of Women from Domestic Violence Act and U/s.125 of the Cr.p.c. initiated by the Respondent No.2. The Applicant No.1 has filed divorce proceedings. All these matters are now settled.

5. Learned counsel for the Respondent No.2 stated before the Court that the Respondent No.2 has received entire amount mentioned in the settlement terms.

6. The Respondent No.2 is present before the Court. She is identified by her learned counsel. She reiterated the contents of

the Affidavit. She stated before the Court that, she has no objection for quashing of the proceedings. She has recorded her specific consent in paragraphs-10 and 11 of the Affidavit. The dispute between the parties is purely personal in nature. The society at large is not involved. The parties have settled their dispute. Therefore, we are inclined to quash the proceedings, not only against the Applicants, but against the remaining accused, as well. We are inclined to quash the proceedings in their entirety.

7. Hence, the following order:

O R D E R

- i) The F.I.R. registered vide the C.R.No.91 of 2021 at Manikpur police station, Palghar, on 13.03.2021, under sections 498A, 406, 354, 323, 504 and 506 r/w. 34 of the I.P.C. and the resultant R.C.C.No.1907 of 2022 pending before the J.M.F.C., Vasai, are quashed and set aside against the Applicants, as well as, against the remaining accused Shirish Ramchandra Upadhyay who is brother of the Applicant No.1.
- ii) The Application is disposed of.

iii) With disposal of the Criminal Application, the Interim Application is also disposed of.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)