

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

CRIMINAL WRIT PETITION NO. 296 OF 2025

Mr. Dhaval Vasant Limbachiya & Ors.Petitioners

Versus

The State of Maharashtra & Ors.Respondents

Ms. Ridhi K. Thakkar, Advocate for the Petitioners.

Mr. J. P. Yagnik, A.P.P. for the Respondent-State.

Mr. Vahid Shaikh a/w SMM O. Jaghirdar, Mr. Mushtaq Shaikh & Mr. Abdul Wahab Shaikh, Advocate for Respondent No. 3.

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

DATE : 10th FEBRUARY 2025.

P.C.:-

1. This is a Petition for quashing of the proceedings arising out of F.I.R. being C.R. No. 424 of 2024 dated 23rd August 2024 registered with Kurla Police Station, District-Thane for the offence punishable under Section 498(A) of the Indian Penal Code, 1860. Subsequently, even the charge-sheet is filed.
2. Heard Ms. Ridhi K. Thakkar, learned counsel for the Petitioners, Mr. J. P. Yagnik, learned A.P.P. for the Respondent-State and Mr. Vahid Shaikh, learned counsel for Respondent No.
- 3.

3. Learned counsel for the Petitioners seeks leave to amend to add the prayer for quashing of the charge-sheet. Leave to amend for that purpose is granted. Amendment shall be carried out forthwith.
4. The F.I.R. was lodged by Respondent No. 3. She was married to Petitioner No. 1. Petitioners No. 2 & 3 are his parents; Petitioner No. 4 is his brother and Petitioner No. 5 is the wife of Petitioner No. 4.
5. The F.I.R. mentions that Respondent No. 3 was earlier married to her first husband, but she had obtained divorce. Then she came in touch with Petitioner No. 1. Their acquaintance grew into friendship and turned into love relationship. They decided to get married. Petitioner No. 1 had a shop, where he used to draw tatoos. On 17th March 2022, Petitioner No. 1 took Respondent No. 3 to the temple in Zoomsar, Gujarat. The other Petitioners and his friends were present there. Petitioner No. 1 got married with Respondent No. 3. At that time, none from her family was present there, therefore, they again got married on 19th April 2022 at Walkeshwar, Mumbai in the presence of Respondent No. 3's

family. But even after the marriage, Petitioner No. 1 did not take Respondent No. 3 to reside with him immediately, but since September 2022, she went to reside with the Petitioners. It is alleged that there she was not treated properly. There are allegations that there was a demand made from her to bring Rs. 10,00,000/- to buy another shop for Petitioner No. 1. The F.I.R. thereafter goes on to mention different allegations of harassment. On 23rd October 2023, Respondent No. 3 was driven out of her matrimonial house. Since then she was residing with her parents. She has instituted proceedings under Protection of Women from Domestic Violence Act. After that she lodged this F.I.R.

6. The charge-sheet in this case is filed. A copy of the charge-sheet is produced before the Court. It is taken on record and marked "X" for identification. The charge-sheet contains statements of the colleagues, neighbour and sister of the informant. They supported the allegations in the F.I.R.

7. Parties have now settled the matter. Respondent No. 3 and Petitioner No. 1 have filed divorce proceedings by mutual consent. Respondent No. 3 has filed Affidavit-in-reply. In her

Affidavit, she has stated about withdrawal of the present case and there is a reference to joint consent terms, where she had agreed to withdraw all the allegations in the present registered offence.

8. In paragraphs no. 7 & 8, she has specifically stated that she has no objection for quashing of the proceedings and she has prayed for allowing this Petition by quashing the proceedings.
9. Respondent No. 3 is present in the Court. She is identified by her learned counsel. She reiterated the statements made in the Affidavit-in-reply. She insisted that the proceedings be quashed.
10. Considering that the dispute between the parties is purely personal in nature. The society is not involved and that the parties have settled the matter; continuation of the proceedings would not serve any purpose. It would be an abuse of process of law. Hence, we are inclined to allow this Petition.
11. Hence, the following order :-

ORDER

- i. The F.I.R. i.e. C.R. No. 424 of 2024 dated 23rd August

2024 registered with Kurla Police Station, District-Thane for the offence punishable under Section 498(A) of the Indian Penal Code, 1860 and the charge-sheet No. PW/209/2025 pending before the learned Judicial Magistrate First Class, 51st Court at Kurla, are quashed and set aside.

12. Petition is disposed of accordingly.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)

GITALAXMI
KRISHNA
KOTAWADEKAR

Digitally signed by
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