

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

CRIMINAL WRIT PETITION NO.331 OF 2025

Rajesh Kantilal Kothari & Ors. Petitioners

versus

The State of Maharashtra & Anr. Respondents

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- Mr. Vaibhav S. Parab, Advocate for Petitioners.
- Mr. Y. M. Nakhwa, APP for the State/Respondent.
- Ms. Prachi Jain i/b. Milind Nar, Advocate for Respondent No.2.

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

DATE : 20th FEBRUARY, 2025

P.C. :

1. This is a Petition for quashing of the FIR registered vide C.R. No.861/2021 registered with Nagpada police station, Mumbai, on 06/12/2021, resulting in Court Case No.1113/PW/2022 pending before the Judicial Magistrate First Class, 69th Court, Mazgaon, u/s 498-A, 406, 504, 506 r/w 34 of the Indian Penal Code.

2. Heard Mr. Vaibhav S. Parab, learned Counsel for the Petitioners, Ms. Prachi Jain, learned counsel for the Respondent No.2 and Mr. Y. M. Nakhwa, learned APP for the State.

3. The FIR is lodged by the Respondent No.2. The Petitioner No.1 is her husband and the other two Petitioners are his parents. The Respondent No.2 in her FIR has narrated various instances of harassment and ill-treatment right from the year 2004. They had got married on 28/11/2004. They had gone on a tour in December 2004. At that time, there was first quarrel between them and the Petitioner No.1 had beaten her. The FIR mentions that during their cohabitation they were blessed with two daughters. But the Petitioners were not happy because they wanted a son. There are other allegations of misappropriation of the Respondent No.2's ornaments and money. There are allegations that the Respondent No.2 was an insurance agent; and the Petitioner No.1 used to divert the commission earned by her into his own account. There are allegations of continuous abuses and beating etc. Different instances are mentioned. There are also allegations that the Respondent No.2 was forced to undergo some rituals, which she was not willing to go through. On this basis the FIR is lodged.

4. The parties have now settled the matter. The Respondent No.2 has filed her affidavit. She had referred to the allegations in the FIR. But inspite of those instances she has stated that they have amicably settled the dispute amongst themselves and had decided to dissolve their marriage by seeking divorce by mutual consent. She had also referred to some amount, which the Petitioner No.1 had paid to her. But she has also stated that she did not want to disclose that amount.
5. The Respondent No.2 is present in the Court. She is identified by her learned counsel. She told the Court that she has no objection if the proceedings are quashed. She stated that she wants to lead her independent peaceful life.
6. The dispute between the parties is personal in nature. The society at large is not involved. The couple has two daughters. It would be in the interest of justice that the settlement arrived at between the parties is given effect to and the proceedings are quashed.

7. Hence, the following order :

ORDER

- (i) The FIR registered vide -C.R. No.861/2021 registered with Nagpada police station, Mumbai and the further proceedings resulting in Court Case No.1113/PW/2022 pending before the Judicial Magistrate First Class, 69th Court, Mazgaon, are quashed and set aside.
- (ii) The Petition is disposed of.

(S. M. MODAK J.)

(SARANG V. KOTWAL, J.)