

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

CRIMINAL WRIT PETITION NO. 731 OF 2025

Clive Clement Jinia

.....Petitioner

Versus

1. State Of Maharashtra And

2. Mrs. Natasha Jinia

.....Respondents

Mr. Sukrut Mhatre - Advocate for the Petitioner.

Mr. B. V. Holambe – Patil - APP for the Respondent-State.

Ms. Sneha B. Pandey – Advocate for Respondent No. 2.

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

DATE : 12th FEBRUARY 2025

P.C. :

1. This is a petition for quashing of the F.I.R. registered vide C.R. No. 288 of 2019 at Azad Maidan Police Station, Mumbai on 04.12.2019 under Sections 498-A, 504, 506 of the Indian Penal Code.

2. The investigation is over and the charge-sheet is filed. A copy of the charge-sheet is tendered before the Court. It is taken on record and marked as 'X (collectively)' for identification. The F.I.R. is lodged by the Respondent No. 2 against the Petitioner who was her husband. She has stated that they belong to different religions. They

got acquainted in the year 2007 and got married on 01.10.2009. According to her, it was a court marriage and Petitioner's parents were present at the time of marriage but she could not tell her parents about the marriage. After the marriage, she started staying at Kalyan. Subsequently, informant's father advised them to stay in his old house at Kapadia House, Dhobitalao Mumbai.

3. There are various allegations in the F.I.R.. The main dispute was about giving birth to the second child. They already had a son in June 2011. There are certain allegations that in December 2014, the Petitioner pushed her on the cupboard causing fracture of her hand. According to her, the Petitioner had close relationship with another woman which was one more reason for their dispute. Since August 2017, the Petitioner started residing separately. On this basis, the F.I.R. is lodged. The charge-sheet contains the statement of informant's sister and her husband who have supported the informant's case. There are statements of the neighbours, but they have not thrown light on the nature of the dispute.

4. Now the matter is settled between the Parties. The Respondent No. 2 is present in the Court. She has filed her affidavit. She has stated that she had obtained divorce by mutual consent from the Family Court at Bandra. The dispute between the Parties is settled

amicably. She had given her specific no objection for quashing of the present F.I.R. in the paragraph no. 9 of the affidavit. The Respondent No. 2 is identified by her learned counsel. She has stated before the Court that she has no grievance against the Petitioner, and that she has no objection for quashing of the proceedings.

5. The dispute between the Parties is purely personal in nature. The incident regarding the injury to the hand was in the year 2014, whereas the F.I.R. is lodged in the year 2019. She does not have any grievance against the Petitioner. Parties have amicably settled the dispute and have now obtained divorce by mutual consent. Therefore, continuation of this criminal proceeding will not serve any purpose. Hence, the following order :-

ORDER

- (i) The Writ Petition is allowed.
- (ii) The F.I.R. registered against the present Petitioner vide C.R. No. 288 of 2019, at Azad Maidan Police Station, Mumbai under Sections 498-A, 504, 506 of the Indian Penal Code and the consequent proceeding arising out of the said offence vide Regular Criminal Case No. 401 of

2024 pending before the Metropolitan Magistrate, 64th

Court at Esplanade, Mumbai are quashed and set aside.

6. Accordingly, the Writ Petition is disposed of.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)