

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

CRIMINAL WRIT PETITION NO.1081 OF 2025

Shrinivas Bondhyalu Deety
and others

.....Petitioners

Versus

The State of Maharashtra
and another

.....Respondents

Mr. Asif Shaikh, Advocate for the Petitioners.

Smt.M.H. Mhatre, APP for the Respondent No.1-State.

Mr. Tanmay Gujarathi, Advocate i/b. Smita Durve for the
Respondent No.2.

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

DATE : 06th MARCH, 2025

P.C. :

1. This is a Petition for quashing of C.C. No.561/PW/2024 pending before the 40th J.M.F.C., Girgaon, Mumbai arising out of C.R. No.126/2024 registered with Malbar Hill Police Station, Mumbai under Sections 498-A, 323, 504 read with 34 of IPC.

2. Heard Mr. Asif Shaikh, learned counsel for the Petitioners, Smt.M.H. Mhatre, learned APP for the Respondent

No.1-State and Mr. Tanmay Gujarathi, learned counsel for the Respondent No.2.

3. The FIR is lodged by the Respondent No.2. The Petitioner No.1 is her husband, the Petitioner No.2 is his mother and the Petitioner No.3 is his sister. The FIR lodged by the Respondent No.2 mentions that she got married with the Petitioner No.1 on 1.6.2014, but, within a short period the Petitioner No.1 started ill-treating her. The Respondent No.2 tried to commit suicide by hanging herself but her neighbours stopped her from taking that step. After marriage, she came to know that the Petitioner No.1 was ten years elder than her. This fact was concealed from her. The FIR then goes on to mention various instances where all the Petitioners had ill-treated and harassed her. It is her case that the Petitioners had taken Rs.4 Lakhs as dowry from her parents. They had also taken nine Tolas of gold ornaments. On these allegations, the FIR is lodged.

4. The investigation was carried out and the charge-sheet was filed. The charge-sheet contains statements of

parents, sisters as well as neighbours of the Respondent No.2. All of them have supported her case.

5. After all this, now the matter is settled between the parties. The Respondent No.2 has filed the divorce proceedings. Subsequently because of the settlement, she agreed to convert it into a petition for divorce by mutual consent. The Respondent No.2 has filed her own affidavit before this Court. In paragraph-5 she had erroneously mentioned that she has no objection for quashing of the 'Petition'. Learned counsel for the Respondent No.2 stated that in fact it is a typographical error and she meant that she has no objection for quashing of the 'proceedings'.

6. The Respondent No.2 is present in the Court. She is identified by her learned counsel. She stated before the Court that she has no objection for quashing of the proceedings. She has no grievance against any of the Petitioners any more.

7. Considering that the dispute between the parties is purely personal in nature. The Respondent No.2 has settled

her matter with the Petitioners. It would be in the best interest of all the parties concerned that the proceedings are quashed. No purpose would be served by keeping the prosecution pending. Therefore, we are inclined to allow this Petition.

8. Hence, the following order:

:: O R D E R ::

- i. The criminal proceedings being C.C. No.561/PW/2024 pending before the 40th J.M.F.C., Girgaon, Mumbai arising out of C.R. No.126/2024 registered with Malbar Hill Police Station, Mumbai, are quashed and set aside.
- ii. The Petition is disposed of accordingly.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)

Deshmane (PS)

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