

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1212 OF 2025

1. **Mandar Ashok Kadam**
Age : 42 Years, Occupation : Service,
Residing at : 2805, Monte Vista,
MM Malviya Road, Mulund (West),
Mumbai : 400 080.

2. **Ashok Kadam**
Age : 70 Years, Occupation : Retired.

3. **Ashwini Ashok Kadam**
Age : 69 Years, Occupation : Retired,

Both Petitioner Nos.2 and 3 are residing
at : 2805, Marthon Monte Vista,
MM Malviya Road, Mulund (West),
Mumbai : 400 080.

...Petitioners

Versus

1. **The State of Maharashtra**
(At the instance of Mulund West
Police Station) and **Another.**

...Respondents

Mr.Kunal Damle – Advocate for Petitioners.

Mr.B.V.Holambe – Patil – APP for Respondent No.1 – State.

Mr.Rupesh R. Lanjekar – Advocate for Respondent No.2.

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

DATE : 17th MARCH 2025

P.C. :

Satish Sangar

SATISH
RAMCHANDRA
SANGAR

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SATISH RAMCHANDRA
SANGAR

Date: 2025.03.18
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1. This is a Petition for quashing of the F.I.R. registered vide C.R. No.34 of 2018 at Mulund West Police Station and the consequent criminal proceeding bearing No.494/PW/2020 pending before the 27th Court, Mulund, Mumbai under Sections 498-A, 406 read with 34 of the Indian Penal Code, 1860 (“**IPC**”).

2. The F.I.R. is lodged by the Respondent No.2. The Petitioner No.1 is her husband and the Petitioner Nos.2 and 3 are the parents of the husband. Though the F.I.R. and the entire charge-sheet is not annexed to the Petition, the learned APP produced a copy of the charge-sheet before us and we have perused the F.I.R. and the statements recorded during the investigation. The allegations are supported by the statements of her parents and her sister.

3. The F.I.R. mentions that the Respondent No.2 had done M.S. (Masters Degree in Telecommunication and Software Engineering). She was working in a reputed company and at the time of lodging of the F.I.R., had gone to Sweden for a project. The F.I.R. was lodged on 25th January 2018. It is mentioned in the F.I.R. that she got married with the

Petitioner No.1 on 3rd February 2012.

It is not necessary to reproduce the details of the allegations in the F.I.R. because the parties have settled the matter. However, very briefly, the F.I.R. mentions that the Petitioner No.1 could not keep physical relations with her. He obtained Rs.50,00,000/- (Rupees Fifty Lakh) from the informant's father for purchasing a flat. That amount was not returned. The flat was deceitfully registered in the name of all the Petitioners though the major amount was given by the informant's father. That amount was not returned.

There are allegations, that the Petitioners misappropriated her stridhan. Thus, they had caused loss to the tune of Rs.70,89,000/- (Rupees Seventy Lakh Eighty Nine Thousand). She was harassed and ill-treated.

On this basis, the F.I.R. is lodged.

4. The statements of other witnesses as mentioned earlier support her case. Now, the dispute is settled between the parties. The Respondent No.2 has submitted a "Consent Affidavit" before this Court. She is not present in the Court because she is travelling abroad. However, her father is present in the Court. He tendered a copy of the Power of Attorney

executed by her on her behalf. He took full responsibility of tendering the Affidavit of the Respondent No.2 in the Court. He stated before the Court, that the dispute is settled between the parties. He supported the statements in the "Consent Affidavit". The said Affidavit is affirmed by the Respondent No.2 herself. She has stated in the Affidavit, that during pendency of the Matrimonial Petition, they arrived at a compromise and decided to dissolve their marriage by mutual consent under Section 13B of the Hindu Marriage Act, 1955. She had given her specific "No objection" for quashing of the present proceedings which are subject matter of the present Petition. The Respondent No.2 is to get Rs.10,00,000/- (Rupees Ten Lakh) on quashing of the proceedings.

5. Considering this background, it is clear that the dispute is purely personal in nature. The society at large is not involved. The Respondent No.2 is represented by her father. He also stated that the proceedings be quashed. He is identified by his learned counsel. No purpose would be served by continuation of the criminal prosecution. Therefore, we are inclined to allow this Petition. Hence, following order:-

O R D E R

(i) The F.I.R. registered vide C.R. No.34 of 2018 at Mulund West Police Station and the consequent criminal proceeding bearing No.494/PW/2020 pending before the 27th Court, Mulund, Mumbai are quashed and set aside.

6. With these observations, the Petition is disposed of.

(S.M.MODAK, J.)

(SARANG V. KOTWAL, J.)