

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

Writ Petition No. 1241 of 2025

Rajkumar Babubhai Singhavi (Jain)

and anr.

... Petitioners

V/s.

The State of Maharashtra and anr.

... Respondents.

Mr. K.H. Holambe Patil (appeared through V.C.) a/w. Adocate Vishal G. Shirsat, Advocate Nitin Murkute, Advocate Bhalchandra Kumbhar, Advocate Digambar G. Kate, Advocates for the Petitioners.

Mr. Amit G. Dubey i/b. Ashok M. Saraogi, Advocate for Respondent No.2.

Mr. S.R. Agarkar, APP for the State.

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

DATE : 25th March 2025.

P.C. :

This is a petition for quashing of the proceedings bearing R.C.C. No.PW/4407/2024 pending before then 24th Additional Chief Metropolitan Magistrate, Borivali Court, Mumbai (now Chief Judicial Magistrate, Borivali, Mumbai) arising from C.R. No.1258/22 under Sections 323,406,498(A), 506(2),500,504,506 and 34 of the Indian Penal Code.

2. The FIR is lodged by the Respondent No.2. The Petitioner No.1 is her husband. The Petitioner No.2 is the Petitioner No.1's

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mother. The Petitioner No.3 is his brother. The Petitioner No.4 is his sister. The Petitioner No.5 is the husband of his another sister. Petitioner No.6 is his uncle. Petitioner No.7 is also uncle of the Petitioner No.1. The Petitioner No.8 is his sister. The Petitioner No.9 is husband of Petitioner No.4. Thus, they are close relatives of the Petitioner No.1. The FIR is lodged by the Respondent No.2. It is not necessary to refer to the allegations in the FIR because the parties have now settled the matter. The charge-sheet in this case is filed. The copy of the charge-sheet is submitted by the learned counsel for the Petitioners. It is taken on record and marked 'X' collectively for identification. The gist of the FIR is that the Respondent No.2 got married with the Petitioner No.1 on 20th February 2008. At that time, her father had given her gold and diamond ornaments worth more than Rs.One Crore and Ten lacs. The FIR thereafter goes on to mention that all the Petitioners ill treated her. She was residing with the Petitioner No.1 in U.K. for considerable period. There are allegations that the Petitioner No.1 demanded Rs.20 lacs from her father. There are also allegations that the Petitioner No.1 was having extra marital relationship. The other Petitioners used to instigate him and used to harass the Respondent No.2. On all these allegations FIR is lodged. The investigation was carried out. Charge-sheet contains the statements of the Respondent No.2, her father, brother, sister and friend etc. All of them supported the allegations in the FIR.

3. Now the matter is settled between the parties. The Respondent

No.2 had filed her affidavit giving clear consent for quashing of proceedings. She has appeared in the Court through video conferencing. She is identified by her learned Counsel. She reiterated the contents of the affidavit. She stated before the Court that she has no objection for quashing of these proceedings and the settlement was arrived at to her satisfaction.

4. The dispute between the parties is purely personal in nature. The Society at large is not involved. The parties have settled the dispute. The couple is blessed with two children during their cohabitation. It will be in the interest of the children that the proceedings are quashed. No purpose will be served by continuing the criminal prosecution. Hence, the following order:

ORDER

(i) The Writ Petition is allowed.

(ii) The proceedings in R.C.C. No. PW/4407/2024 pending before then 24th Additional Chief Metropolitan Magistrate, Borivali Court, Mumbai (now Chief Judicial Magistrate, Borivali, Mumbai) arising from C.R. No.1258/22 under Sections 323,406,498(A), 506(2),500,504,506 and 34 of the Indian Penal Code are hereby quashed and set aside.

5. The Writ Petition stands disposed of accordingly.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)