

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

Writ Petition No.1857 of 2025

Pradosh Harishchandra Patil ... Petitioner
V/s.
The State of Maharashtra and ors. ... Respondents.

**With
Writ Petition No.1263 of 2023**

Harishchandra Patil and others ...
Petitioners
V/s.
The State of Maharashtra and ors. ... Respondents.

Mr. Karan Mehta a/w. Asha K. Mehta, Nishant Shah, Ashwin Pande,
Saloni Sarguru i/b. Karan Mehta & Associates for the Petitioners in
both matters.

Smt. M.H. Mhatre, APP for the State-Respondents.
Mr. Abdul Hafeez Yakub Kotwala for the Respondent No.2 in both
writ petitions.

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

DATE : 3rd April 2025.

P.C. :

Heard Mr. Karan Mehta, the learned Advocate for the
Petitioners, Mrs. Mhatre, the learned APP appearing for the State
and Mr. Abdul Hafeez Yakub Kotwala, the learned Advocate
appearing for the Respondent No.2. There is no appointment letter
for the Respondent No.2 in Criminal Writ Petition No.1857/2025.

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Now the matter is settled between the parties. We hereby appoint learned Advocate Mr. Abdul Hafeez Yakub Kotwala to represent the cause of the Respondent No.2. Let Maharashtra State Legal Services Authority to do the needful.

2. Both these petitions arise out of one offence which is registered at Khar Police Station on 25th August 2021 under Sections 498-A, 406, 504, 506 read with Section 34 of Indian Penal Code. It was on the complaint of the Respondent No.2. Their case is for quashing of the FIR and consequent proceedings. Hence, we have taken up both these petitions together.

3. The Petitioner in Writ Petition No.1857/2025 is the husband whereas the Petitioners in Writ Petition No.1263/2023 are the in-laws of the Respondent No.2. The marriage was solemnised on 24th February 2019. Both the spouses started cohabiting at Khar, Mumbai. Both of them cohabited together till the month of June 2021. The Respondent No.2 alleges that she was ill treated for not bringing Rs.5 lacs, so also her character is doubted. For sometime she continued with the cohabitation, however, when she found it uncomfortable, she has chosen to lodge complaint with Khar Police and that is how the FIR is registered. After completion of investigation, the charge-sheet is filed. The charge-sheet contains the statements of her relatives. They are more or less on the same lines as per the averments in the FIR. Now the parties have settled their dispute and the spouses have decided to dissolve the marriage by mutual consent. Even her permanent alimony is also fixed. Both of

them have filed the divorce petition by mutual consent before the Family Court, Bandra. Parties have agreed to complete the necessary formalities before that Court. The permanent alimony agreed in between the parties is handed over to the Respondent No.2 by way of Demand Draft for the amount of Rs.5 lacs today. She admits the same.

4. The dispute is personal in nature and they have decided to dissolve the marriage. It is in their best interest. Considering their future, we are inclined to allow the petition. The Respondent No.2 is present in the Court. She is identified by her learned Advocate. She admits her signature and contents. We find it necessary to allow both these petitions. Hence, the following order is passed:

ORDER

- (i) Both the Writ Petitions are allowed.
 - (ii) The FIR arising out of C.R. No.604/2021 registered with Khar Police Station under Sections 498-A, 406, 504, 506 read with Section 34 of Indian Penal Code and the consequent proceedings bearing C.C. No.2682/PW/2022 pending before Learned Metropolitan Magistrate, 9th Court, Bandra, Mumbai are hereby quashed and set aside.
5. Both the Writ Petitions stand disposed of accordingly.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J)