

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

CRIMINAL WRIT PETITION NO. 2041 OF 2025

1. Nitesh Lachman Luand
2. Kiran Lachman LuandPetitioners

Versus

1. The State of Maharashtra
2. Tina NarsianRespondents

Gayatri Gokhale - Advocate for the Petitioners.

Mr. J. P. Yagnik - APP for the Respondent-State.

Adv. Sneha Jethwa – Advocate for Respondent No. 2.

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

DATE : 21st APRIL 2025

P.C. :

1. This is a petition for quashing of Case No. PW/88/2023 pending before the JMFC, 27th Court, Mulund, Mumbai arising out of C.R. No. 53 of 2022 registered at Mulund Police Station under Sections 498-A, 420, 506 read with 34 of the Indian Penal Code.

2. Heard learned Counsel Ms. Gokhale for the Petitioners, learned Counsel Ms. Jethwa for the Respondent No. 2 and learned APP Shri Yagnik for the Respondent-State.

3. The F.I.R. is lodged by the Respondent No. 2. The Petitioner No. 1 was her husband. The Petitioner No. 2 was her Mother-in-law. The F.I.R. was lodged under Sections 498-A, 420, 506 read with 34 of the Indian Penal Code.

4. It is not necessary to refer to the allegations made by the Respondent No. 2 in detail. She had lodged the F.I.R. on 28.02.2022. The Parties have already settled the matter and have decided to obtain a divorce by mutual consent. The gist of the F.I.R. is that the Parties got acquainted with each other through a matrimonial site. The Respondent No. 2 got married with the Petitioner No. 1 on 10.02.2019. There are allegations that the Petitioner No. 1 did not make any efforts to get permanent U.S. citizenship for the Respondent No. 2. The Petitioner No. 1 himself was an American citizen. The informant visited the U.S.A. on a tourist visa. She came to know from the accused/the Petitioner No. 1 that he was already married and divorced. In spite of that, the said information was concealed from the informant, and she was misled into marrying the Petitioner No. 1. The F.I.R. thereafter, goes on to mention that, the informant herself had gone to Dubai for a job. Both of them came to India separately. The Petitioner No. 1 took up a job in India.

There are allegations that both the Petitioners were harassing her on demand of money. The nature of harassment is mentioned in the F.I.R.. On 24.10.2021, the Petitioner No. 1 assaulted her and confined her in a room. Therefore, from 25.10.2021 she went to reside with her parents, and then she lodged the F.I.R.. The investigation was carried out. The charge-sheet contains the statements of the informant's sisters, who have supported the informant's case.

5. The Parties have now settled the matter. The Respondent No. 2 has filed her affidavit-in-reply. She has stated that with the intervention of their well-wishers and their advocates, they resolved the dispute and had entered into consent terms on 19.07.2024.

6. In view of the settlement, she has no objection for quashing of the present F.I.R. and the proceedings in the case which is pending before the JMFC, 27th Court, Mulund, Mumbai. She has further stated that she did not wish to lead any evidence in the case. She is present in the Court. She is identified by her learned counsel. Respondent No. 2 reiterated the contents of the affidavit. She stated before the Court that she has no objection for quashing of the proceedings.

7. The dispute between the Parties is purely personal in nature. The Parties have settled the dispute. The informant does not want to lead evidence. Therefore, no purpose will be served in continuation of the proceedings. Therefore, we are inclined to allow the petition. Hence, the following order:-

ORDER

- (i) The Writ Petition is allowed.
 - (ii) The F.I.R. registered against the present Petitioners vide C.R. No. 53 of 2022 at Mulund Police Station under Sections 498-A, 420, 506 read with 34 of the Indian Penal Code and the consequent proceeding bearing CC. No. PW/88/2023 pending before JMFC, 27th Court, Mulund, Mumbai are quashed and set aside.
8. Accordingly, the Writ Petition is disposed of.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)