

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

CRIMINAL WRIT PETITION NO. 2160 OF 2025

Sachin Prakash Gagwani & Ors.

..Petitioners

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Wajid Shaikh for Petitioners.

Smt. M. H. Mhatre, APP for State/Respondent.

Mr. R. U. Dholakia, for the Respondent No.2.

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

DATE : 24 APRIL 2025

PC :

1. Heard Mr. Wajid Shaikh, learned counsel for the Petitioners, Smt. Mhatre, learned APP for the State and Mr. Dholakia, learned counsel for the Respondent No.2-first informant.

2. The Respondent No.2 lodged her F.I.R. vide C.R.No.143 of 2017 registered at M.H.B. police station, Mumbai, on 02.05.2017, under sections 498A, 406, 377, 323, 504 and 506 r/w. 34 of the I.P.C. Though, the Respondent No.2 and the Petitioner No.1 had agreed to get married, the Petitioner No.1 was hesitating in marrying her. It is her case, that on her insistence it was

performed as per Hindu rites on 05.06.2015. They had got acquainted with each other through a matrimonial website. It is her case that the Petitioner No.1 established physical relations with her prior to the marriage. He asked her to drink cold drink and she fell unconscious. After the marriage, she started cohabiting with the petitioner No.1. Other petitioners are the relatives of the Petitioner No.1. The Petitioner No.2 is his mother, the Petitioner No.3 is his brother and the Petitioner No.4 is his mother's sister. It is her case that, she was being mentally and physically harassed on various occasions. She was harassed even when she insisted for marriage certificate. She was compelled to part with certain ornaments which the informant's mother had given to her. Even, her brother in law taunted her in the month of August 2015. She was fed up with the harassment, therefore, she lodged the complaint as mentioned above. The charge-sheet came to be filed.

3. The parties have now settled their dispute and the cases instituted by the Respondent No.2 are withdrawn. Even their marriage is dissolved by the Family Court, by mutual consent. One of the terms is regarding giving consent for quashing of this F.I.R.

4. Today, the Respondent No.2 is present in the Court. She has filed her Affidavit giving consent for quashing of the F.I.R. She has admitted her signature on the Affidavit. She is identified by her learned counsel. She admitted the contents of the Affidavit. As the parties are already separated, continuation of this prosecution will be hurdle in their future life. The dispute is personal in nature. Therefore, we are inclined to quash the proceedings.

5. Hence, the following order:

O R D E R

- i) The F.I.R. registered vide C.R.No.143 of 2017 at M.H.B. police station, Mumbai, on 02.05.2017, under sections 498A, 406, 377, 323, 504 and 506 r/w. 34 of the I.P.C and the consequent proceedings are quashed and set aside.
- ii) The Petition is disposed of.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)