

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

CRIMINAL WRIT PETITION NO. 2476 OF 2025

1. Harshul Harish Parikh
2. Mrs. Nilima Harish ParikhPetitioners

Versus

1. The State of Maharashtra
2. Monica Harnarian SambharyaRespondents

Ms. Parul Vedak a/w Ms. Sanamjeet Kaur - Advocate for the
Petitioner

Ms. M. H. Mhatre – APP for the Respondent-State

Adv. Mr. Sadanand Shetty a/w Adv. Ms. Nidhi Chheda, Adv. Ms.
Iakshita Patyal – Advocate for Respondent No. 2

Respondent No. 2 and Petitioner No. 1 present in-person

Mr. Riyaz Mulla – PSI Worli Police Station

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

DATE : 06th MAY 2025

P.C. :

1. This is a petition for quashing of the proceedings pending before the then learned Metropolitan Magistrate, 62nd Court, now J.M.F.C., Dadar Bhoiwada, Mumbai, vide CC No. 1163/PW/2022 arising out of C.R. No. 1057 of 2022 lodged by Worli Police Station, Mumbai under Section 498A, 354A, 201 read with 34 of the Indian Penal Code.

2. The F.I.R. is lodged by the Respondent No. 2. The Petitioner No. 1 is her husband and the Petitioner No. 2 is her Mother-in-law. The parties have settled the matter. Therefore, it is not necessary to reproduce the allegations in the F.I.R. in detail. However, the gist of the allegations in the F.I.R. are that the Respondent No. 2 came in contact with the Petitioner No. 1 in the year 2008. They got married in the year 2013. The F.I.R. mentions that the Petitioner No. 1 was addicted to liquor, and he had extra marital affairs with other women. He had installed CCTV cameras in their house. He was suspecting the informant's character. On many occasions, she was kept outside of the house at odd hours around the midnight. He used to continuously humiliate her. He had withdrawn money from the informant's saving account. As far as the Petitioner No. 2 is concerned, there are allegations that she had kept the informant's Stridhan with herself. She was instigating the Petitioner No. 1 and had always supported the Petitioner No. 1 though he was ill treating the informant. On these allegations, the F.I.R. is lodged.

3. The investigation was carried out and there are statements of the sisters of the informant, who have supported her allegations.

There is statement recorded under Section 164 of the informant which has supported the allegations of the F.I.R..

4. After all these, the parties have settled their dispute. The Respondent No. 2 has filed her affidavit-in-reply. She has stated in her affidavit that she has no objection for quashing of the F.I.R. and the present proceedings. She has stated that matter pertains to the matrimonial dispute, and now it is settled. The Respondent No. 2 is present in the Court. She is identified by her learned Counsel. She reiterated the statement made in the affidavit-in-reply. She stated before the Court that she has no objection for quashing of these proceedings.

5. In this view of the matter, we are inclined to allow this petition. There is one more consequential prayer made in the petition for setting aside the Look Out Circular issued against the Petitioner. As a consequence of quashing of the proceedings, this Look Out Circular is required to be set aside. Hence, the following order:-

ORDER

- (i) The Writ Petition is allowed.

(ii) The F.I.R. registered against both the Petitioners vide C.R. No. 1057 of 2022 at Worli Police Station under Section 498A, 354A, 201 read with 34 of the Indian Penal Code and the consequent proceedings bearing CC No. 1163/PW/2022 pending before the then Metropolitan Magistrate, 62nd Court, now J.M.F.C., Dadar Bhoiwada, Mumbai are quashed and set aside.

(iii) Consequently, if the Look Out circular is issued in respect of the present subject matter i.e. in connection with C.R. No. 1057 of 2022 registered at Worli Police Station, the investigating agency shall take steps to withdraw that Look Out circular, if it is not in operation with respect of any other offence.

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

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)