

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**Criminal Writ Petition No.2636 of 2025**

Munish Vinayak Gawde

... Petitioner

V/s.

## 1. The State of Maharashtra

## 2. Mrs. Aarya Munish Gawde

.... Respondents.

Ms. Siddh Vidya a/w Ms. Shalaka Karkar and Ms. Divya Maniar i/by  
Siddh Vidya and Associates – Advocate for the Petitioner-husband

Ms. M. H. Mhatre – APP for the Respondent No. 1-State.

Ms. Disha Nidre h/f Mr. Sagar Ambedkar – Advocate for Respondent No. 2.

Mr. S. R. Avhad – PSI Tilak Nagar Police Station

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

DATE : 6<sup>th</sup> May 2025.

P.C.:

Heard learned Advocate Ms. Vidya for the Petitioner-husband, learned APP Ms. Mhatre appearing for the State and learned Advocate Ms. Nidre for the Respondent No.2-first informant.

2. The Respondent No.2 got married with the Petitioner on 16<sup>th</sup> December 2006 as per the Hindu rites. Both were cohabiting together. There is a son borne out of this marriage. He is suffering

from cerebral palsy. At present his custody is with the Respondent No.2. When both the spouses were cohabiting together, the incident took place on 28<sup>th</sup> November 2016. The Petitioner behaved in obscene manner with the Respondent No.2. It led to filing of an FIR with Tilak Nagar Police Station bearing C.R. No.371/2016. It is under Sections 354, 323,504 and 506 of the Indian Penal Code. There is also mention of the incident that took place on the next date i.e. on 29<sup>th</sup> November 2016. The Petitioner ill treated their son. The Police have filed the charge-sheet.

3. There are also other proceedings pending in between both the spouses. One was under the provisions of the Protection of Women from Domestic Violence Act 2005. There is a proceeding pending before the learned Single Judge. Parties were referred to mediation and settlement took place. Copy of that settlement is annexed to the affidavit filed today by the Respondent No.2. On all the issues they have resolved the dispute and they have decided to dissolve the marriage and also withdraw the proceedings. There are consent terms regarding the custody and payment of maintenance. All the terms are fulfilled. One of the term is to give no objection to the Respondent No.2 for quashing of the present FIR and the proceedings.

4. The Respondent No.2 is present and she has filed affidavit to that effect. She is identified by her learned Advocate. The Respondent No.2 admits the contents and also about the

compliance. She is unequivocally giving consent for quashing of FIR.

5. The dispute is personal in nature. The Society at large is not involved. No purpose will be served by keeping the proceedings pending. We are inclined to quash these proceedings. Hence, the following order:-

### **ORDER**

- (i) The Writ Petition is allowed.
- (ii) The F.I.R. registered against the present Petitioner vide C.R. No. 371 of 2016 at Tilak Nagar Police Station under Section 354, 323, 504 and 506 of the Indian Penal Code and the consequent proceedings bearing CC No. 203 of 2017 pending before JMFC, Vikhroli are quashed and set aside.

6. Accordingly, the writ petition is disposed of.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)