IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2644 OF 2025

Varun Prakash Mishra & Anr. ..Petitioners
Versus
The State of Maharashtra & Anr. ..Respondents

Mr. Siddharth Singh i/b. Manoj Singh for Petitioners.
Mr. J. P. Yagnik, APP for State/Respondent.
Mr. Ashok Kumar Shukla for the Respondent No.2.

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

DATE : 7 MAY 2025

PC :

1. This is a petition for quashing of the proceedings pending vide R.C.C.No.4798 of 2024 before the Additional C.J.M., Thane, arising out of the C.R.No.1222 of 2024, registered at Kasarvadavli police station, on 28.07.2024, under sections 74, 115(2), 352 and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

2. Heard Mr. Siddharth Singh, learned counsel for the Petitioners, Mr. Yagnik, learned APP for the State and, Mr. Ashok Kumar Shukla, learned counsel for the Respondent No.2.

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3. The F.I.R. is lodged by the Respondent No.2. She is the sister in law of the Petitioner No.2. The Petitioner No.1 is brother of the Petitioner Nos.2. The matter is settled between the parties, therefore, it is not necessary to refer to the allegations in the F.I.R. in detail. However, the gist of the F.I.R. is that the informant's brother was married to the Petitioner No.2. It is the case of the informant that the Petitioner No.2 had extra marital relations with a third person. The informant, that third person's wife and the informant's cousin went to the Petitioner No.2's parents' house on 27.07.2024 at 8.45p.m. They wanted to tell the Petitioner No.2 for refraining from her relations with that third person. At that time, a quarrel started. The Petitioner No.1 joined the Petitioner No.2. It is alleged that the Petitioner No.1 pushed the informant and touched her inappropriately. On these allegations, the F.I.R. was lodged. The investigation was carried out. The informant's statement is supported by her cousin Rishika and the other lady who had accompanied the informant. They have supported the allegations in the F.I.R.

4. The informant has filed her Affidavit and has stated that

the dispute is settled between the parties. The basic difference between her brother and the Petitioner No.2 is also settled. She has no objection for quashing of the proceedings.

5. The Respondent No.2 is present in the Court. She is identified by her learned counsel. She reiterated the contents of the affidavit and told the Court that she has no objection for quashing of the proceedings.

6. The incident appears to be a petty incident. Nobody was seriously injured. The matter is settled between the parties. The basic dispute was between the Petitioner No.2 and the informant's brother. Even that dispute is settled. Therefore, there is no point in continuing with the prosecution pending against the petitioners. Therefore, we are inclined to allow this petition.

7. Hence, the following order:

O R D E R

i) The proceedings pending vide R.C.C.No.4798 of 2024 before the Additional C.J.M., Thane, arising out of the C.R.No.1222 of 2024, registered at

Kasarvadavli police station, on 28.07.2024, under sections 74, 115(2), 352 and 3(5) of the Bhartiya Nyaya Sanhita, 2023, are quashed and set aside.

ii) The writ petition is disposed of.

(S. M. MODAK, J.) (SARANG V. KOTWAL, J.)