

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

CRIMINAL WRIT PETITION NO.4740 OF 2025

Sanket Dinkar Kotwal & Ors.

.... Petitioners

versus

The State of Maharashtra & Anr.

.... Respondents

.....

- Mr. Tajammul Usman Khan, Advocate for Petitioners.
- Ms. Sangita E. Phad, APP for the State/Respondent.
- Mr. Mizan Khan, Advocate for Respondent No.2.

**CORAM : SARANG V. KOTWAL &
SHYAM C. CHANDAK, JJ.**
DATE : 16th SEPTEMBER, 2025

P.C. :

1. This is a Petition for quashing of the proceedings in respect of RCC No.250/2024 pending before the learned JMFC, Chandwad, District Nashik, arising out of C.R.No.249/2024, registered with Chandwad Police Station, Nashik, for the offences punishable u/s 307, 498-A, 406, 323, 504, 506 r/w 34 of the Indian Penal Code.

2. Learned counsel Mr. Mizan Khan undertakes to file his

Vakilpatra on behalf of the Respondent No.2 within a period of one week from today.

3. Heard Mr. Tajammul Usman Khan, learned Counsel for the Petitioners, Mr. Mizan Khan, learned counsel for the Respondent No.2 and Ms. Sangita E. Phad, learned APP for the State.

4. The Respondent No.2 is the wife of the Petitioner No.1. The Petitioner No.2 is his brother and the Petitioner No.3 is his mother. It is not necessary to refer to the allegations in the charge-sheet, since the parties have settled the matter. In fact, the Respondent No.2 and the Petitioner No.1 are staying together. Very briefly, the allegations are that the first informant got married with the Respondent No.1 on 30/05/2023. She had got acquainted with the Petitioner No.1 while she was studying in college at Chandwad. There are allegations that after the marriage, the Petitioner started demanding money for the Petitioners' business. For that purpose, she was ill-treated. There are allegations that she was assaulted on many occasions.

Inspite of that, she continued staying there and completed her education. The Petitioners were not happy with her achievement. There are certain instances when the Petitioner No.1 demanded divorce from her. There are allegations regarding the incident dated 20/06/2024, when she was assaulted by all the Petitioners. There are allegations that the Petitioner No.1 had caught her throat. According to her, she lost consciousness. By the time she regained her consciousness, her father and her relatives came there to the matrimonial house of the Respondent No.2 and then took her to the hospital. On these allegations the FIR is lodged.

5. The parties have now settled the matter. We are concerned about the allegations of offence punishable u/s 307 of the Indian Penal Code. The charge-sheet was filed for commission of offence punishable u/s 307, 498-A, 406, 323, 504, 506 r/w 34 of the Indian Penal Code. The charge-sheet contains statement of the informant's mother, aunts and uncle. They have supported her case. As far as the allegations of assault are concerned, there are medical certificates in the charge-sheet.

The medical certificate dated 24/06/2024 mentions that there was no obvious external injury. The neck movements were painful and restricted. There was cervical concussion and blunt trauma on the chest and back. The certificate dated 13/07/2024 mentions that there was no external visible mark of injury. There was blunt trauma and there was no mark of strangulation over the neck. The injuries were described as simple injuries. Therefore, from the medical certificate atleast it is apparent that the offence punishable u/s 307 of the IPC is not made out. However, as far as other offences are concerned, there are certain allegations. But in view of the settlement between the parties, the proceedings can be quashed on the basis of that settlement.

6. The Respondent No.2 has filed her affidavit before the Court. She has informed the Court that she is a Software Engineer and is working with a Software company. At present she is working from home. Thus, she is an educated lady. She has filed her affidavit with full knowledge of consequences of her affidavit. She is present before the Court. She has reiterated

the contents of her affidavit. She is identified by her learned counsel. She told the Court that she is living peacefully and happily with the Petitioners. She does not have apprehension about her physical or mental safety. The disputes, if any, were completely resolved and she insisted that the proceedings be quashed and set aside.

7. Considering this situation, the affidavit filed by the Respondent No.2 and her statement before the Court, we are inclined to allow this Writ Petition, as no purpose would be served in continuation of the prosecution. Though it must also be noted that on merits earlier the Petition was argued and withdrawn, however, this is a changed circumstance and the Petition is based on the ground of settlement between the parties.

8. In this background, we see no reason to deny relief in this application.

9. Hence, the following order :

ORDER

- (i) The FIR vide C.R.No.249/2024, registered with Chandwad Police Station, Nashik and the further proceedings arising out of the said FIR i.e. RCC No.250/2024 pending before the learned JMFC, Chandwad, District Nashik, are quashed and set aside.
- (ii) The Petition is disposed of.

(SHYAM C. CHANDAK, J.)**(SARANG V. KOTWAL, J.)**