

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

CRIMINAL WRIT PETITION NO.5279 OF 2025

Animesh Giridhar Gaitonde
and others

.....Petitioners

Versus

The State of Maharashtra
and another

.....Respondents

Ms. Heena Siddique, Advocate i/b. Pratibha Bangera for the
Petitioners.

Ms. Sangeeta D. Shinde, APP for the Respondent No.1-State.

Mr. Jacob Manoharan, Advocate for the Respondent No.2.

API Trupti Athawale, Pantnagar Police Station, Ghatkopar is
present.

**CORAM : SARANG V. KOTWAL &
SHYAM C. CHANDAK, JJ.**

DATE : 14th OCTOBER, 2025

P.C. :

1. This is a Petition for quashing of the FIR lodged
vide C.R. No.10/2025 at Pantnagar police station, Mumbai on
4.1.2025 under Sections 498-A, 406, 504, 506 read with 34 of
IPC and the consequent proceedings bearing Case
No.PW/539/2025 before the J.M.F.C., 50th Court, Vikhroli,
Mumbai.

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2. Heard Ms. Heena Siddique, learned counsel for the Petitioners, Ms. Sangeeta Shinde, learned APP for the Respondent No.1-State and Mr. Jacob Manoharan, learned counsel for the Respondent No.2.

3. The FIR is lodged by the Respondent No.2. The Petitioner No.1 is her husband, the Petitioner No.2 is mother of the Petitioner No.1 and the Petitioner No.3 is the maternal uncle of the Petitioner No.1.

4. It is not necessary to refer to the allegations in the FIR and the charge-sheet in detail because the parties have settled their disputes. The main allegations are made by the Respondent No.2 in her FIR. The charge-sheet contains the statements of her parents and the sister. They have supported her allegations. Briefly stated, the allegations are that she got married with the Petitioner No.1 on 25.3.2022. After marriage, when she went to the house of the Petitioners, she was not allowed to stay with the husband's parents in their house. The husband and the Respondent No.2 went to reside in a different apartment. It was not in a good locality. She was not willing to

stay, but, she was forced to stay there. Her *stridhan* was taken by her mother-in-law. The FIR thereafter goes on to mention different instances of ill treatment. The Petitioner No.1 used to force her to transfer Rs.5000/- per month. He did not pay her sufficient money for household expenses. He used to ask her to leave the house. He used to ask her to bring money from her parents. There are allegations of unnatural physical relations. The behaviour of the Petitioner No.1 was objectionable and indicated some mental disorder. In January, 2024 the Petitioner No.1 left the Respondent No.2 at her mother's place and went to Bengaluru. There are allegations against the Petitioner No.3 that on some occasions, he outraged modesty of the Respondent No.2. On all these allegations, the FIR is lodged. The charge-sheet is filed.

5. The parties have now settled the matter. The Petitioner No.1 and the Respondent No.2 have decided to obtain divorce by mutual consent. The Respondent No.2 has filed affidavit giving her no objection for quashing of the criminal prosecution. She has stated in the affidavit that she

has filed a Petition for divorce before the Family Court, Bandra baring No.A-1506/2024. As they have settled their disputes through the consent terms dated 4.8.2025; the Petition was to be converted into a Petition for divorce by mutual consent under Section 13(B) of the Hindu Marriage Act. She has stated that the Petitioner No.1 has agreed to compensate her towards the permanent alimony and stridhan as is recorded in the consent terms. In this background, she was filing this affidavit. She has further stated that she did not wish to proceed with the present FIR and that she has no objection if the Petition is allowed by this Court. She is present in the Court. She is identified by her learned counsel. She stated before the Court that she has no objection for quashing of the present proceedings. She only expects that the Petitioner No.1 would cooperate in completing the formalities before the Family Court. Considering her no objection, the Petition can be allowed.

6. Hence, the following order:

:: O R D E R ::

- i. The FIR being C.R. No.10/2025 at Pantnagar police station, Mumbai as well as the consequent proceedings being Case No.PW/539/2025 pending before the J.M.F.C., 50th Court, Vikhroli, Mumbai, are quashed and set aside.
- ii. In case the Petitioner No.1 does not fulfill his obligations, the Respondent No.2 is at liberty to adopt appropriate legal proceedings in accordance with law.
- iii. The Petition is disposed of accordingly.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)

Deshmane (PS)