

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

CRIMINAL APPLICATION [APL] NO.127 OF 2025

Sameer Morarji Mewawala
and another

.....Applicants

Versus

The State of Maharashtra
and another

.....Respondents

Mr. Rahul Shelke, Advocate for the Applicants.

Smt. M.H. Mhatre, APP for the Respondent No.1-State.

Smt. Gulestan M. Dubash, Advocate for the Respondent No.2.

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

DATE : 11th MARCH, 2025

P.C. :

1. This is an Application for quashing of the FIR registered vide C.R. No.I-234/2022 dated 13.10.2022 registered at Chitalsar Manpada police station, Thane City under Sections 498-A, 406 and 34 of IPC and the consequent proceedings being R.C.C. No.3487/2023 pending before the J.M.F.C., Thane.

2. Heard Mr. Rahul Shelke, learned counsel for the Applicants, Smt. M.H. Mhatre, learned APP for the Respondent No.1-State and Smt. Gulestan Dubash, learned counsel for the

Respondent No.2.

3. The FIR is lodged by the Respondent No.2. The Applicant No.1 is her husband and the Applicant No.2 is her mother-in-law. She has stated in the FIR that he got married with the Applicant No.1 on 25.5.2010. She started residing in her matrimonial house. The Applicant No.1's elder brother's son was suffering from cancer. The Respondent No.2 helped him financially and looked after him, but, he passed away on 5.11.2017. After that the Applicant No.1 started ill-treating her. Both the Applicants were not happy with the Respondent No.2 as she was employed and was earning. The Applicants did not want her to continue with her job. It is her allegation that her *stridhan* was kept by the Applicants with themselves and was not returned. Since May, 2019 she started residing with her parents; and ultimately this offence was registered for ill-treatment and harassment as well as misappropriation of her *stridhan*.

4. The investigation was carried out and the charge-sheet was filed. Though the charge-sheet is not annexed to the Application, learned APP produced the charge-sheet. We

have gone through that charge-sheet. The charge-sheet contains the statements of her father and a friend. There is a panchnama of the transcript of the conversation.

5. It appears that there were other litigations between the parties. The Respondent No.2 had filed the proceedings under the Protection of Women From Domestic Violence Act and also divorce proceedings. The matter is now settled between the parties. The Respondent No.2 has filed her affidavit giving no objection for quashing of these proceedings. The affidavit mentions the phase-wise payment to be made to the Respondent No.2. At the first instance, she was to receive Rs.2,50,000/- at the time of giving consent for quashing of the present proceedings. Rest of the amount was to be paid at different stages of other litigations. On these premises, the Respondent No.2 has given her no objection for quashing of the proceedings.

6. The Respondent No.2 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 proceedings. She has received the first installment of

Rs.2,50,000/- as is mentioned in her affidavit. She further stated that she trusts that the Applicants would make payment as is agreed between them. She submitted before the Court that she has no objection for quashing of these proceedings.

7. The dispute between the parties is purely personal in nature. The society at large is not involved. The parties have settled the matter. There is no propriety for continuation of the criminal prosecution. Hence, the following order:

:: O R D E R ::

- i. The FIR being C.R. No.I-234/2022 registered at Chitalsar Manpada police station, Thane City as well as the consequent proceedings being R.C.C. No.3487/2023 pending before the J.M.F.C., Thane, are quashed and set aside.
- ii. The Application is disposed of accordingly.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)

Deshmane (PS)