

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

CRIMINAL APPLICATION NO.809 OF 2025

Asim Nazar Kondakar & Ors.

...Applicants

Vs.

The State of Maharashtra & Anr.

...Respondents

Mr. Amin Solkar with Muskaan Memon and Nadeem Shaikh i/b Misbaah
Amin Solkar for the Applicants.

Ms. Sangeeta D. Shinde APP for the Respondent-State.

Ms. Sana Shaikh with Nisha Lakariya with Maya Updeshe with Vipul Ghate
with Pratik Thadani with Ruha Shaikh for the Respondent No.2.

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

DATED : 19th SEPTEMBER, 2025

P.C. :-

- 1) Present Application is seeking quashing and setting aside of the charge-sheet filed in C.R. No.349 of 2022 dated 18th November, 2022 registered with Vashi police station on the report filed by the Respondent No.2 for the offences punishable under Sections 498-A, 323, 504, 506 read with 34 of the I.P.C., against the Applicants. Applicant No.1 is the husband of Respondent No.2. Applicant Nos.2 and 3 are the parents and Applicant No.4 is the Uncle of the Applicant No.1.
- 2) Heard learned Counsel for the Applicants, the learned A.P.P. for the Respondent No.1-State and the learned Counsel for Respondent No.2.

3) The learned Counsel for the parties submitted that the matter has been amicably settled between the parties. Further, they tendered the Consent Terms and Affidavit-in-reply duly affirmed by Respondent No.2 and stated that, the Respondent No.2 has no objection to quash the FIR and the charge-sheet. Hence, the Consent Terms alongwith the Affidavit are taken on record and are marked "X" colly.

4) Since the matter has been amicably settled, we do not deem it necessary to state in detail the allegations in the FIR and the statements of the witnesses. Briefly stated, the case of the prosecution is that, Respondent No.2 and the Applicant No.1 got engaged in a ceremony held on 06/09/2014. But in the very month, Applicant No.1 insisted on Respondent No.2 to ask her relatives to fund for their pleasure trip. Thereafter, Respondent No.2 got married with the Applicant No.1 on 16th December, 2017 and she went to cohabit in the family of the Applicants. However, at the time of the marriage reception, the Applicant No.1 tried to press the neck of Respondent No.2 and abused her on account of a trifle issue. The Applicant No.1 was using the car of the parents of Respondent No.2. The Applicant No.1 used to suspect her character. The Applicants were taunting and insulting her. Although, a car was given as dowry, the Applicant No.1 was forcing the Respondent No.2 to get money for the fuel. On these allegations, this crime was registered. The statement of the parents, brother and nephew of the Respondent No.2 supported the allegations in the FIR.

On completing the investigation, the charge-sheet came to be filed.

5) Now, the matter has been amicably settled between the parties. The affidavit mentions the said fact and that, the Respondent No.2 has no objection to quash and set aside this FIR and the chargesheet. The Respondent No.2 has agreed to withdraw the proceeding filed under the Protection of Women From Domestic Violence Act, 2005. Respondent No.2 is present before the Court. She is identified by her learned Counsel. The Respondent No.2 has reiterated the contents of the affidavit. As per the Consent Terms, the parties have decided to dissolve their marriage and reside separately. In view thereof, continuation of the proceedings arising out of the aforesaid FIR No. 349 of 2022 would not serve any purpose. Therefore, we are inclined to allow this Application in interest of justice and in the interest of the parties. Hence, the following order:-

:: ORDER ::

- (i) The FIR bearing No.349 of 2022 dated 18th November, 2022 and consequential charge-sheet filed therein at the instance of the Vashi police station against the Applicants for the offences punishable under Sections 498-A, 323, 504, 506 and 34 of the Indian Penal Code stands quashed and set aside.
- (ii) Application is disposed of in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)