

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

CRIMINAL APPLICATION NO.904 OF 2025

Akshay Arvind Nalawade & Ors.

.... Applicants

versus

The State of Maharashtra & Anr.

.... Respondents

.....

- Mr. Satish Muley a/w Mosin Naik a/w Zhoab Sayyed i/b. Ram Chavan, Advocate for Applicants.
- Ms. Sangeeta D. Shinde, APP for the State/Respondent.
- Ms. Vaishali Jadhav, Advocate for Respondent No.2.

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

DATE : 01st OCTOBER, 2025

P.C. :

1. This is an application for quashing of the proceedings bearing case No.RCC/597/2023 arising out of C.R.No.156/2023 registered on 04/05/2023 at Kharghar Police Station, Navi Mumbai, for the offence punishable u/s 498-A, 323, 500, 504, 506 r/w 34 of the Indian Penal Code.

2. Heard Mr. Satish Muley, learned Counsel for the Applicants, Ms. Vaishali Jadhav, learned counsel for the

Respondent No.2 and Ms. Sangeeta D. Shinde, learned APP for the State.

3. The FIR is lodged by the Respondent No.2. The Applicant No.1 is her husband. The Applicant Nos.2 and 3 are his parents. The matter is now settled between the parties. Therefore, it is not necessary to refer to the allegations in detail.

4. Briefly stating the allegations in the FIR are that, the Respondent No.2 got married with the Applicant No.1 on 21/02/2021. After initial few days the Applicants started ill-treating her. The Respondent No.2 and her father had jointly purchased a small flat at Shil Phata. The Applicants were forcing her to sell that flat and purchase another flat at some other place. When she came to know that on previous two occasions the Applicant No.1 had got engaged and the engagement was broken on both the occasions, she questioned the Applicants. But they did not answer properly and started ill-treating her more. She had lodged her NC complaint on 29/07/2022, which caused more problems and the Applicants got angry and started

harassing her. There are certain incidents of harassment. They were doubting her character. On one occasion her luggage was kept at the some other place. On these similar allegations, the FIR was lodged. The charge-sheet contains statements of her parents etc.

5. The proceedings proceeded further. Even trial commenced. Two prosecution witnesses were examined i.e. the first informant and her mother. At this belated stage, the parties have decided to settle the matter as both of them were young and intended to pursue their education. The Applicant No.1 and the Respondent No.2 are studying in USA. They are pursuing Masters course in different universities. They have decided to move ahead in life. The Respondent No.2 has filed her affidavit giving consent for quashing of these proceedings

6. Learned counsel for the Respondent No.2 appearing for her today relied on that affidavit. We have perused that affidavit. The said affidavit bears signature of learned counsel Ms. Vaishali Jadhav, who is appearing for the Respondent No.2 today. She

submitted that she has clear instructions from the Respondent No.2 to request the Court for quashing of the proceedings. She submitted that the Respondent No.2 is staying in a dormitory in the university campus in USA and it would be uncomfortable for her to appear through video conferencing in the presence of other occupants of the dormitory. Learned counsel therefore requested the Court to rely on this affidavit and quash the proceedings. Learned counsel Ms. Vaishali Jadhav reiterated that she has clear instructions to rely upon the averments in the affidavit.

7. In this situation, considering the genuine difficulty of the parties, we are considering the affidavit filed by the Respondent No.2. In the said affidavit she has stated that the dispute between them is settled and therefore she did not want to proceed with the present prosecution. She has given her no objection for quashing of the present proceedings.

8. Learned APP pointed out that already two witnesses are examined and the trial is in progress.

9. In this situation, a reference can be made to the order dated 08/04/2025 passed in Criminal Application (APL) No.1651 of 2024 in which, the Division Bench of this Court had considered similar situation. In that case, the first informant had given her examination-in-chief and the trial had already commenced. At that belated stage, the parties had come for quashing of the proceedings on the ground of settlement. The Division Bench had relied on the observations made by the Hon'ble Supreme Court in the case of **Ramgopal and another Vs. The State of Madhya Pradesh**, decided on 29/09/2021 in Criminal Appeal No.1489 of 2012. In that situation, the settlement was accepted and the proceedings were quashed.

10. Relying on those observations, we are entertaining this application. Considering the settlement between the parties, we are inclined to allow this application. It has to be noted that both, the Applicant No.1 and the Respondent No.2 are young and are pursuing their education. They have their bright future ahead. It would be in their best interest to quash the

proceedings, without being burdened by the past. In any case, both of them have arrived at a settlement and the Respondent No.2 has given her no objection for quashing of the proceedings. In this view of the matter, the application can be allowed.

11. Hence, the following order :

ORDER

- (i) The criminal proceedings bearing No. RCC/597/2023 arising out of C.R.No.156/2023 registered on 04/05/2023 at Kharghar Police Station, Navi Mumbai, is quashed and set aside.
- (ii) The application is disposed of.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)