

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

CRIMINAL APPLICATION NO.956 OF 2025

Rajesh Chandarlal Rohra & Anr.

.... Applicants

versus

The State of Maharashtra & Anr.

.... Respondents

.....

- Mr. Umar Kazi a/w Mr. Umar Nizami a/w Ms. Sonia Santis, Advocate for Applicants.
- Ms. Supriya Kak, APP for the State/Respondent.
- Ms. Manisha K. Keswal, Advocate for Respondent No.2.

**CORAM : SARANG V. KOTWAL &
SHYAM C. CHANDAK, JJ.**
DATE : 18th SEPTEMBER, 2025

P.C. :

1. This is an application for quashing of the proceedings pending before the learned Additional Sessions Judge, Kalyan, vide Sessions Case No.167 of 2014 arising out of C.R.No.I-384/2013, registered with Central Police Station, Ulhasnagar, for the offences punishable u/s 498-A, 406, 313, 323 r/w 34 of the Indian Penal Code.

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2. Heard Mr. Umar Kazi, learned Counsel for the

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Applicants, Ms. Manisha K. Keswal, learned counsel for the Respondent No.2 and Ms. Supriya Kak, learned APP for the State.

3. The FIR is lodged by the Respondent No.2. The Applicant No.1 was her husband and the Applicant No.2 is the sister of the Applicant No.1. The case is pending before the Sessions Court. The charge-sheet is annexed to this application. The charge-sheet contains the statements of the first informant, her mother, brother and other relatives. There are statements of the Medical Officers and in particular of Dr. Rajkaran Singh who had performed the procedure for Medical Termination of Pregnancy. It is not necessary to refer to the allegations in details because the parties have settled the matter. The prayer is made for quashing of the proceedings.

4. Very briefly, the allegations in the FIR dated 12/12/2013 are that the Respondent No.2 got married with the Applicant No.1 on 30/11/2012. After marriage she started residing with her husband. Her parents had spent for the

expenses and had given ornaments. In all, they had spent more than Rs.3 lakhs. After the marriage immediately ill-treatment started. The husband was demanding expensive articles. In January 2013, she became pregnant. But the Applicants did not want her to continue the pregnancy. According to her, on 02/02/2013, she was made to undergo the procedure for medical termination of pregnancy in a hospital. In June 2013, on one occasion, the Applicant No.1 caused burn injuries to her while she was cooking. On 04/09/2013, she was driven out of her matrimonial house. On all these allegations, the FIR was lodged. Apart from the expenses during marriage, there are allegations that the Applicants had retained her Stridhan worth more than Rs.19 lakhs.

5. As mentioned earlier, the matter is now settled between the parties. The Respondent No.2 is present in the Court. She is identified by her learned counsel. The Respondent No.2 has filed her affidavit. She has specifically stated that the FIR was lodged because of marital dispute and out of misunderstanding. Due to intervention of family members and

friends, the dispute was settled and she has decided not to proceed with the prosecution. Both of them have filed Marriage Petition seeking divorce by mutual consent and the same is pending before the learned Civil Judge, Senior Division, Kalyan. She has stated that she has no objection for quashing of the criminal proceedings, which are subject matter of this application i.e. Sessions Case No.167 of 2014 pending on the file of Additional Sessions Judge, Kalyan.

6. The Respondent No.2, who is present in the Court, has reiterated the contents of her affidavit and stated before the Court that she has no objection for quashing of these proceedings.

7. We have considered these submissions. We have considered the allegations for commission of offence punishable u/s 313 of the Indian Penal Code, in particular. In that context, it must be noted that the charge-sheet contains the statements of Dr. Rajkaran Singh who had performed the procedure for medical termination of pregnancy. He has clearly stated that he

had taken the Respondent No.2's signature on the necessary forms before performing that procedure. It would show that the procedure was performed with her consent. In that background, we do not see any reason not to grant relief in this application. We are inclined to allow this application in the interest of justice and in the interest of both the parties. No purpose would be served if the prosecution continues.

8. Hence, the following order :

ORDER

- (i) The proceedings in respect of Sessions Case No.167 of 2014, before the learned Additional Sessions Judge, Kalyan, arising out of the FIR vide C.R.No.I-384/2013, registered with Central Police Station, Ulhasnagar, are quashed and set aside.
- (ii) The application is disposed of.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)