

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

CRIMINAL WRIT PETITION NO. 364 OF 2016

Shri Lavaji Pandurang Jadhav & Others. ... Petitioners.

V/s.

The State of Maharashtra & Anr. ... Respondents.

WITH

CRIMINAL WRIT PETITION NO. 1089 OF 2016

Shri Suhas Vitthal Kadam & Anr. ... Petitioners.

V/s.

The State of Maharashtra & Anr. ... Respondents.

Mr. Rohan A. Kakade, i/by Ravi P. Jadhav, Advocate for the Petitioners in WP No. 1089/2016.

Mrs. M. M. Deshmukh, APP for the State in both petitions.

Mr. Vijay Killedar, Advocate for Respondent No.2 in WP No. 1089/2016 for the Petitioner in WP No.364 of 2016.

**CORAM : NARESH H. PATIL AND
A. M. BADAR, JJ.**

DATE : 12th APRIL, 2016.

P.C. :

1 At the outset, learned counsel for the Petitioners in criminal writ petition no. 364 of 2016 seeks leave to replace chargesheet annexed at page 12 of the said paper book and to

place on record chargesheet in Regular Criminal Case No. 137 of 2014. Leave as prayed for is granted.

2 Both these Petitions are being decided by this common order as the Petitioners in both these petitions are praying for quashing and setting aside the respective FIRs lodged by them against each other.

3 Petitioners in criminal writ petition no. 364 of 2016, who are accused in Crime No.189 of 2014 for the offences punishable under sections 341, 324, 323, 504, 506 read with 34 of the Indian Penal Code registered against them at the instance of Respondent No.2-Dr. Suhas Vitthal Kadam with the Khed Police Station, Dist. Ratnagiri, are praying for quashing and setting aside Regular Criminal Case No. 137 of 2014 initiated on the basis of the charge-sheet filed against them after investigation of the said crime no. 189 of 2014.

4 Petitioners in criminal writ petition no. 1089 of 2016, who are the accused in Crime No.129 of 2014 for the offences punishable under sections 354, 341, 352, 323, 504, 506 read with 34 of the Indian Penal Code registered against them at the instance of Respondent No.2- Smt. Kalpana Lavadi Jadhav with the Vishrambaug Police Station, Sangli, are praying for quashing and setting aside Regular Criminal Case No. 386 of 2014 registered against them on the basis of the

investigation and consequent of filing of the chargesheet in the matter of said Crime No. 129 of 2014.

5 We have heard the learned counsel appearing for both the parties in both these petitions. They have unanimously submitted that criminal cases are registered against each other by the parties who are near relatives. Both the learned counsel submitted that FIR from which criminal writ petition No. 1089 of 2016 arises, came to be filed by the mother-in-law - Smt. Kalpana Jadhav against her son-in-law namely Dr. Suhas Kadam. It is further submitted by both the learned counsel that FIR from which criminal writ petition no. 364 of 2016 arises, came to be filed by son-in-law, namely, Dr. Suhas Kadam against his brother-in-law, father-in-law and one another. The cause for lodging FIRs is matrimonial dispute.

6 Respondent No.2-Dr.Suhas Vitthal Kadam/ informant in criminal writ petition no. 364 of 2016 as well as respondent No.2-Smt.Kalpana Lavadi Jadhav / informant in criminal writ petition no. 1089 of 2016 are present before this court. They are duly identified by their learned counsel. Upon being asked, both of them submit that the dispute has arisen out of matrimonial discord between Sau Sadhana, who is the daughter of informant - Smt. Kalpana Jadhav and wife of the informant- Dr. Suhas Jadhav. According to both these informants they have amicably settled their matrimonial

dispute and all other disputes between them which were consequential to the matrimonial dispute between Dr. Suhas Vitthal Kadam and Mrs. Sadhana Suhas Kadam.

6 We have also perused the affidavits of Smt. Kalpana Lavadi Jadhav and Dr. Suhas Vitthal Kadam. In both these affidavits the respective informants have stated that they do not desire to prosecute the criminal proceedings initiated against each other at their instance as they have resolved all their disputes outside the court.

7 We have also heard the learned APP appearing for the State.

8 It is seen that counter FIRs came to be filed, which are result of matrimonial dispute between the couple namely Dr. Suhas Kadam and Sau.Sadhana Suhas Kadam, daughter of Smt. Kalpana Jadhav. We are of the considered opinion that on settlement of matrimonial dispute, prosecutions launched by the parties against each other, deserve to be quashed. The offences alleged against each other by the parties are of personal nature. No public law element is involved in both the criminal cases. Hence, both these criminal writ petitions deserve to be allowed with the following order :

I) Criminal Writ Petition No. 364 of 2016 is allowed.

(i) Regular Criminal Case No. 137 of 2014 arose out of chargesheet filed in pursuant to FIR No. 189 of 2014 lodged by Respondent No.2-Dr. Suhas Vitthal Kadam and pending on the file of the learned JMFC, First Class at Khed, Dist. Ratnagiri is quashed and set aside.

II) Criminal Writ Petition No. 1089 of 2016 is allowed.

(i) Regular Criminal Case No. 386 of 2014 arose out of chargesheet filed in pursuant to the investigation of FIR No. 129 of 2014 registered in pursuant to the report lodged by Respondent No.2-Smt. Kalpana Lavadi Jadhav and pending on the file of the learned Sessions Court at Sangli is quashed and set aside.

(A. M. BADAR, J.)

(NARESH H.PATIL,J.)

.....