

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.429 OF 2016

Sachin Madhukar Jadhav and others	Applicants
versus	
Geetanjali Sachin Jadhav and another	Respondents

Mr.Rohan Rajaram Sonawane for Applicants.
Dr.F.R.Shaikh, APP, for Respondent no.2.
Mr.Gaurav M. Parkar for Respondent no.1.

CORAM : A.S.OKA AND P.D.NAIK, JJ.

DATE : 27th April 2016

PC :

1. Rule. Learned APP waives service for Respondent no.2 and learned Advocate for the first Respondent waives service. Forthwith taken up for final disposal.

2. This is an application preferred by the Applicants by invoking Section 482 of the Code of Criminal Procedure, 1973 ('Code') seeking quashing of first information report ('FIR') dated 24th March 2015 lodged with Bhoiwada Police Station, Mumbai vide CR No.97 of 2015. The said FIR has been lodged at the instance of first Respondent for offences punishable under Sections 498A, 406, 323, 506(II), 504 read with Section 34 of Indian Penal Code.

3. The Applicants and the first Respondent submitted that the dispute between them is amicably settled and the first Respondent is not interested in pursuing the criminal proceedings against the Applicants. Brief allegations made in the FIR are that the first Respondent was harassed at the instance of the Applicants after her marriage was solemnized with Applicant no.1. In view of the said harassment, the first Respondent suffered mental torture and cruelty. Therefore, she lodged the impugned FIR against the Applicants with Bhoiwada Police Station.

4. The first Respondent has submitted an affidavit dated 11th April 2016 before this Court wherein it has been categorically stated that the disputes between both the parties have been amicably settled and she has decided to live with Applicant no.1. Therefore, she is not interested in proceeding further with CR No.97 of 2015. It is also stated in the affidavit that Police have submitted a charge sheet before the concerned Court. It is further stated in the affidavit that in view of the settlement of disputes, the first Respondent has no objection for quashing the impugned FIR.

5. We have gone through the contents of FIR as well as averments made in the application. We have also perused the affidavit tendered by the first Respondent. On going through the said documents and considering the factual circumstances,

we are satisfied that this is a fit case to exercise power under Section 482 of the Code for quashing and setting aside the impugned FIR. It is clear that the dispute is purely of matrimonial nature and the public at large has no nexus with it. The Apex Court in case of **Gian Singh Vs. State of Punjab and another**¹ has observed that the matrimonial disputes are private in nature and if such disputes are settled amicably by the parties, the High Court should quash the FIR by exercising power under Section 482 of the Code. Therefore, we are inclined to allow this application.

6. Hence, we pass following order :

(i) Rule is made absolute in terms of prayer clause (a), which reads thus :

"(a) This Hon'ble Court be pleased to quash and set aside the C.R.No.97/2015 pending investigation with Bhoiwada Police Station, Mumbai".

(ii) All concerned to act on an ordinary copy of this order duly authenticated by the registry of this Court.

(PD.NAIK, J.)

(A.S.OKA, J.)

MST

¹ (2012)10-SCC-303