

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

CRIMINAL WRIT PETITION NO. 4598 OF 2015

Shri Vikas Shamsundar Sant ... Petitioner.

V/s.

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

WITH

CRIMINAL WRIT PETITION NO. 4616 OF 2015

Shri Shamsundar Mudhusudhan Sant & Ors. ... Petitioners.

V/s.

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

Mr. Siddhartha R. Ronghe, Advocate for the Petitioner in both the Petitions.

Mr. K. V. Saste, APP for the State.

Mr. Sudhir Reddy for Respondent No.2.

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

DATE : 20th APRIL, 2016.

P.C. :

1 Criminal writ petition no. 4598 of 2015 is filed by Petitioner/Accused No.1; whereas Criminal writ petition no. 4616 of 2015 is filed by Petitioners/Accused Nos. 2, 3 and 4 for

quashing FIR bearing Crime No. 74 05 2015 for the offence punishable under section 498-A read with section 34 of the Indian Penal Code registered against them at the Central Police Station, Alankar, Pune at the instance of Respondent No.2- Smt. Janaki Vikas Sant. Petitioners in both the petitions are husband and in-laws respectively of Respondent No.2-Smt. Janaki Sant.

2 We have heard the learned counsel appearing for the petitioners in both these petitions as well as the learned counsel appearing for Respondent No.2/informant- Janaki Sant in these petitions. The parties in both these petitions have unanimously submitted that now the matrimonial dispute between respondent no.2-Janaki Sant and her husband/petitioner-Vikas Shamsundar Sant is amicably settled and, therefore, respondent no.2-Janaki do not want to prosecute the FIR lodged by her against the petitioners/accused.

3 Petitioners and respondent no.2 - Janki have placed on record joint affidavit, stating therein that because of misunderstanding and in a fit of anger respondent no.2/informant Janki had lodged report against the petitioners. However, because of intervention by elderly persons in the family, the matrimonial dispute is amicably settled and, therefore, respondent no.2 unconditionally consented for quashing the FIR lodged by her against the present petitioners.

4 Respondent No.2-Smt. Janki Vikas Sant is personally present before the court and she is duly identified by her learned counsel. Upon being inquired, she submitted that out of her free will she decided not to prosecute the FIR lodged by her and as such she has also sworn the affidavit to that effect.

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

6 We have perused the FIR in question. The dispute between the parties, as seen from the FIR, is a matrimonial dispute between husband, his relatives and the wife. Now this matrimonial dispute is amicably settled by the parties and therefore, for maintaining peace and harmony between the parties, the FIR in question deserves to be quashed. No public law element is involved in the instant case.

7 Hence, both these criminal writ petitions deserve to be allowed with the following order :

- I) Criminal Writ Petition No. 4598 of 2015 and Criminal Writ Petition No. 4616 of 2015 are allowed.

II) The FIR bearing Crime No. 74 of 2015 for the offence punishable under section 498-A read with section 34 of the Indian Penal Code, registered at the police station, Alankar, Pune against the Petitioners at the instance of Respondent No.2-Smt. Janki V. Sant is quashed and set aside.

(A. M. BADAR, J.)

(NARESH H.PATIL,J.)

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