

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

CRIMINAL APPLICATION NO. 1091 of 2017

Mr. Nitin Jagdish Patil & ors. ... Applicants

V/s.

State of Maharashtra & anr. ... Respondents

Mr. Santosh U. Bansode i/b B.N. Pokhriyal & associates for the applicants.

Dr. F.R. Shaikh, APP for the State.

***CORAM : NARESH H. PATIL AND
NITIN W. SAMBRE, JJ.***

20th December, 2017.

P.C.

The applicants seek quashing of the C.R. No.390/2016 dated 14/11/2016 registered by the Kurar Police Station under Sections 498A, 323, 504, 506 r/w. Section 34 of IPC against the applicants; with the consent of respondent no.2-Complainant.

2. In the complaint recorded by police on 14th November, 2016 it

was alleged that respondent no.2-Complainant married with the applicant no.1 Nitin Patil on 31st May, 2016 at Natraj Chawl, Katinagar, near Shankar Mandir, Akurli Road, Kandivali (E), Mumbai. After marriage she was treated badly by the accused persons on account of various demands including demand of dowry. She was not provided with food, clothing and was made to work. She was even threatened of dire consequences. She has narrated details of such incidences in her complaint. Complainant even approached the Family Court by filing a Petition No. A-2652/2016 under Section 12 of the Domestic Violence Act. It is submitted that parties filed consent terms for reconciliation on 2nd January, 2017 before the Family Court. On 9th May, 2017 the Family Court permitted the Complainant-respondent no.2 herein to withdraw the petition filed before the Family Court. Respondent No.2 filed an affidavit before this Court. In Paragraphs 6,7 and 10, respondent No.2 stated as under:-

“6. I say that, as per the consent terms the Applicant No.1 deposited an amount of Rs.2,00,000/- (Rupees Two Lakhs Only) with the Hon'ble Family Court, Bandra, Mumbai on Date:26/04/2017 as my permanent

Alimony amount, which shall be received by me after my above Divorce with the Applicant No.1.

7. I further state that, thereafter as per the consent terms, I withdrew the above mentioned 2 cases of PWDV Act as well as Maintenance Case u/s.125 Cr.PC Dated 9/5/2017 from the Ld. Magistrate's Court at Baramti, Pune.

10. I further state that, me and the Applicants have settled all our Matrimonial Disputes and there are no any grievances against each other and hence under the aforesaid circumstances, the Applicants have filed the present Application u/s.482 of the Criminal Procedure Code, praying for quashing of the F.I.R. bearing C.R.No.390 of 2016 with my consent, for which I do not have any objections.”

3. Respondent No.2 was present yesterday and was identified by the Counsel appearing for the applicants. It is submitted that due to certain compulsions she had to leave Mumbai and proceed to Baramati. The Photostat copy of the Aadhar card is placed on record and marked 'X' for identification.

4. Learned Prosecutor submits that appropriate orders be passed.
5. Perused the record placed before us. In the facts of the case, we find that parties have approached this Court as there arose matrimonial dispute between them. Ultimately, they have settled their disputes. Order of the Family Court is placed on record. Considering the nature of allegations and relation between the parties and the subject offences, we are inclined to accept the request made by the parties. We pass following order:

ORDER

- (i) The Criminal Application is allowed.
- (ii) The C.R. No.390/2016 dated 14/11/2016 registered by the Kurar Police Station under Sections 498-A, 323, 504, 506 read with Section 34 IPC against the applicants i.e. Mr. Nitin Jagdish Patil, Mrs. Janabai Jagdish Patil, Mr. Jagdish Kalappa Patil, Mr. Suresh Jagdish Patil and Mr. Rahul Jagdish Patil is hereby quashed and set aside.

(NITIN W. SAMBRE, J)

(NARESH H. PATIL, J.)