

& 406 read with Section 34 of IPC. The case is pending before learned JMFC, Pimpri, Pune and it is numbered as Regular Civil Case No. 1049 of 2017.

4. Heard learned Counsel for the petitioners and learned APP for State.

5. Petitioner No. 1 is the husband of petitioner No.2. Petitioner No.2 is the complainant in the present case and she has filed FIR i.e. C.R. No. 168 of 2017 of Nigdi Police Station, Pune against petitioner No.1.

6. Both the petitioners are before the Court and petitioner No.1 - original accused as well as petitioner No.2 - original complainant in the very same case have stated that dispute has been amicably settled between the parties, hence, FIR and proceedings relating thereto be quashed. Both petitioners No. 1 & 2 have filed affidavits. In the affidavit filed by petitioner No.2, she has stated that they have filed

application for divorce by mutual consent under Section 13(B) of Hindu Marriage Act, 1955 before Civil Court, Pune. As per the settlement arrived at between parties, she has already received a cheque of Rs.7 lakhs and cash of Rs. 2 lakhs from petitioner No.1 and she will receive remaining Rs.11 lakhs in the form of demand draft when the matter before the Family Court is decided. She has further stated that FIR came to be lodged on account of matrimonial dispute which is now settled among the parties and in view of settlement, she has prayed that in the interest of justice, the C.R.No. 168/2017 and the proceedings relating thereto be quashed. The affidavit tendered by petitioners No.1 & 2 along with copy of Aadhar Card are taken on record and marked 'X' collectively for identification.

7. Looking to the fact that proceedings arose out of the matrimonial dispute and looking to the fact that it is amicably settled between the parties and the fact that complainant does not wish to proceed with her criminal case, we are of the opinion that in view of the decision of the **Gian Singh Vs. State**

of Punjab and anr. (2012)10 SCC 303, proceedings can be quashed.

8. In this view of the matter, C.R. No. 168/2017 of Nigdi Police Station, Pune and the proceedings relating thereto are quashed.

9. Rule is made absolute in the above terms.

(M.S.KARNIK, J.)

(ACTING CHIEF JUSTICE)