

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 674 OF 2018**

Nikhil Dattatray Gavali

.. Petitioner

Vs.

The State of Maharashtra & Ors.

.. Respondents

....

Mr. R.D. Suryawanshi Advocate for Petitioner
Mrs. G.P. Mulekar APP for the State
Mr. Suraj N. Naik Adv. for respondent no.2

....

**CORAM : SMT.V.K.TAHILRAMANI ACTING C.J.
AND M.S.KARNIK, J.**

DATED : FEBRUARY 23, 2018

ORAL JUDGMENT [PER SMT. V.K.TAHILRAMANI, ACJ].:

1 Rule. By consent, Rule is made returnable forthwith and the matter is heard finally.

2 The petitioner is seeking quashing of FIR No. I-13 of 2018 of Badlapur (E) Police Station, Dist. Thane and the proceedings relating thereto. The said case is under Section 376(B) of IPC. The said FIR was lodged against the petitioner by respondent no.2 who is the wife of the petitioner.

3 Heard the learned counsel for the petitioner -
accused, the learned counsel for respondent no.2 -
complainant and the learned A.P.P. for the State.

4 The petitioner and respondent no.2 - complainant are
present before the Court. The respondent no.2 who is the
complainant has stated that the said FIR was lodged on
account of matrimonial dispute with the petitioner who is her
husband and now they are residing happily together. She has
prayed that in view of the fact that she is happily residing with
the petitioner, the said FIR and proceedings relating thereto be
quashed. She has also filed affidavit to the above effect. The
said affidavit along with xerox copy of Aadhar Card are taken
on record and marked "**X-Colly.**" for identification.

5 The learned counsel for the petitioner has submitted
that in view of the settlement between the parties, the case
ought to be quashed. Reliance is placed on the decision of the
Supreme Court in the case of **Gian Singh Vs. State of Punjab
and another**, reported in **(2012) 10 S.C.C. 303**. Learned

counsel for the petitioner pointed out that in the said case it is observed that if there is a criminal proceeding arising out of a matrimonial dispute and there is settlement between the parties, the said case can be quashed.

6 Looking to the fact that the matter has been amicably settled between the parties and looking to the fact that complainant is happily residing with the petitioner and she does not wish to pursue the case against her husband, we are of the opinion that no purpose would be achieved by continuing with the prosecution in the said case. In this view of the matter, FIR No. I-13 of 2018 of Badlapur (E) Police Station, Dist. Thane and the proceedings relating thereto, are quashed. Rule is made absolute in above terms. Petition is allowed and is disposed of accordingly.

M.S.KARNIK, J.

ACTING CHIEF JUSTICE

Kandarkar