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

***CRIMINAL WRIT PETITION NO.2616 OF 2018***

|                                   |                |
|-----------------------------------|----------------|
| Dayanand Bhimrao Kamble           | ...Petitioner  |
| Versus                            |                |
| The State of Maharashtra and Anr. | ...Respondents |

Mr.S.H.Deokar, for the Petitioner.

Mr.R.M.Pethe, A.P.P for the Respondent-State.

Mr.A.J.Kandarkar, for the Respondent No.2.

***CORAM : R. M. SAVANT &  
REVATI MOHITE DERE, JJ.***

***DATE : 11<sup>th</sup> JULY, 2018***

**P.C. :**

1. The above Petition has been filed for quashing of the FIR being C.R.No.184 of 2018 registered with the Dattawadi Police Station, Pune, for the offences punishable under Sections 326, 323, 504, 506 of the Indian Penal Code. The said FIR is the fall out of the incident which took place on 5<sup>th</sup> May, 2018 between the Petitioner and the First Informant who are husband and wife.

2. It is not necessary to dilate further on facts. The Respondent No.2 has filed an affidavit dated 18<sup>th</sup> June, 2018, and affirmed before Mrs.Aliya N. Pathan, Notary, Greater Mumbai, Government of India. In the context of the relief sought in the above Petition, paragraph 5 of the said affidavit is material and is reproduced herein under:-

“5. I say that therefore in the interest of justice, this Hon'ble Court be pleased to quash and set aside F.I.R. registered against the Petitioner.”

3. The Respondent No.2 is personally present in Court. She is identified by the learned Counsel Mr.Kandarkar. She is also identified by her Aadhaar Card bearing No.8195 9647 6872 which is in her maiden name Pooja Bapu Murai. When put in the box and queried, she states that she has read and understood the contents of her affidavit dated 18<sup>th</sup> June, 2018. She further states that in view of the settlement between her and the Petitioner, who is her husband, she does not desire to proceed with the case in question. She lastly states that she has filed the said affidavit of her own free will and volition.

4. The Petitioner - Dayanand Bhimrao Kamble is also personally

present in Court. He is identified by the learned counsel Mr.Deokar. He is also identified by his Aadhaar Card bearing No.6493 3592 7476. When put in the box and queried, he states that a settlement has been arrived at between him and his wife. He assures the Court that in future he would not indulge in the acts which have been alleged against him.

5. Having regard to the Affidavit filed by the Respondent No.2, i.e. the first informant and the statements made by the Respondent No.2 and the Petitioner when put in the box, the same indicate that the parties have settled the dispute, as a result of which the Respondent No.2 does not desire to proceed with the FIR in question.

6. The Petitioner has additionally assured us that he would not indulge in the acts which have been alleged against him. Having regard to the aforesaid circumstances we deem it fit to exercise our jurisdiction under Article 226 of the Constitution of India for quashing and setting aside the FIR being C.R.No.184 of 2018

7. In the said context, a useful reference could be made to the

judgments of the Apex Court in the matter of ***Gian Singh vs. State of Punjab & Anr.***<sup>1</sup> and ***Narinder Singh & Ors. vs. State of Punjab & Anr.***<sup>2</sup>, which would assist the parties in the quashing of the FIR.

8. The above Criminal Writ Petition is therefore required to be allowed and is accordingly allowed and made absolute in terms of prayer clause (a).

9. The above Criminal Writ Petition is accordingly disposed of.

10. The Petitioner herein to file an undertaking in this Court that in future he is would take care of his wife and would not assault her in any manner. The said undertaking to be filed within one week from date.

**(REVATI MOHITE DERE, J.)**

**(R. M. SAVANT, J.)**

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1 (2012) 10 SCC 303

2 2014 AIR SCW 2065