

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2814 OF 2019

Vinayak Datta Swamy and Ors .. Petitioners
Versus
The State of Maharashtra & Anr .. Respondents

...

Mr.Raviraj Parmane or the Petitioners.

Ms.S.D. Shinde, APP for the State.

Mr.Vaibhav R. Gaikwad for respondent No.2.

...

**CORAM: SHRI RANJIT MORE &
SMT. BHARATI H.DANGRE, JJ.**

DATED : 4th JUNE 2019

P.C:-

1. The marriage of the petitioner No.1 and respondent No.2 was solemnized in April 2016. Differences arose between the parties which gave rise to filing of an FIR and offences under Sections 498A, 406, 420, 323, 504 and 506 read with 34 of the Indian Penal Code came to be registered against the petitioner No.1 as well as petitioner Nos.2 to 4 who are the relatives of the petitioner No.1. During the pendency of the said proceedings, the parties reached an amicable settlement which resulted into passing of a decree of divorce under Section 13B of the Hindu Marriage Act. As a part of the terms of the settlement between the petitioner No.1

and the respondent No.2 it is agreed that an amount of Rs.8,25,000/- would be paid towards permanent alimony to the respondent No.2 out of the which an amount of Rs.4,25,000/- has already been paid. Subject to the said stipulation the marriage between the husband and wife stands dissolved by a decree of divorce passed by the Family Court at Satara.

2. When the matter is listed today the respondent No.2 tendered an affidavit before the Court stating therein that the marriage between the parties is dissolved and the parties have amicably decided to put an end to other dispute between them. She has stated that an amount of Rs.4,25,000/- has been paid. She has no objection of the quashing of the said FIR which was registered on the basis of the complaint wherein all the present petitioners were arraigned as accused persons. The petitioner No.2 and 3 and as well as respondent No.2 are present before the Court. The respondent No.2 accorded her assent for putting an end to the dispute and for quashing the subject FIR. The petitioners have tendered a Pay Order of Rs.4,00,000/- to the respondent No.2 in our presence. The same is acknowledged by the respondent No.2.

3. In view of the aforesaid developments and the circumstances, we deem it appropriate to quash the FIR No.340 of 2018 registered with the Satara Police Station on the basis of the principles laid down by the Hon'ble Apex Court in case of **B.S.Joshi versus State of Haryana AIR 2003 SC 1386**, and in view of the fact that if the settlement between the parties could put an end to the discord then continuation of the FIR would amount to abuse of process of law. We allow the Writ Petition in terms of the prayer clause (a).

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)