

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 5337 OF 2019**

Sandeep S. Ghuge and ors. ... Petitioners
V/s.
The State of Maharashtra and anr. ... Respondents

Ms Suvarna Telegote for the Petitioners.
Mr. S.S. Hulke, APP for the Respondent – State.
Ms Maya Majumdar for Respondent No.2.

**CORAM : B.P. DHARMADHIKARI &
N.R. BORKAR, JJ.
DATE : FEBRUARY 20, 2020.**

P.C.

1] Respondent No.2-complainant and petitioner No.1 on behalf of the petitioners are present with their respective advocate. APP appears for respondent No.1- State.

2] Parties jointly request for quashing of FIR and R.C.C. which is essentially arising out of matrimonial discord.

3] In the Court of Civil Judge, Senior Division Vasai, Vasai, the pending proceedings have been converted into proceedings for grant of decree of divorce by mutual consent. The Court of Civil Judge, Senior Division, Vasai is to consider

the said matter after present criminal proceedings are quashed and set aside. This is as per consent terms between parties.

4] Supplementary affidavit and an affidavit on these lines are already placed on record by respondent No.2.

5] Learned advocate for respondent No.2, however, submits that the petitioner – husband is avoiding to remain present in Hindu Marriage Petition before the Court of Civil Judge, Senior Division, Vasai.

6] Petitioner No.1 disputes this.

7] We find that interests of justice can be met with by giving effect to orders of this Court being passed today on from the date on which the Court of Civil Judge, Senior Division, Vasai passes decree of dissolution of marriage.

8] Accordingly, we quash and set aside R.C.C. No. 1118 of 2017 on the file of Judicial Magistrate (F.C.), Cantonment

Court, Pune and the FIR on and from the date on which the Court of Civil Judge, Senior Division, Vasai passes the decree for dissolution of marriage in Hindu Marriage Petition No. 382 of 2019.

9] Thus, the petition is allowed and disposed of.

(N.R. BORKAR, J.)

(B.P. DHARMADHIKARI, J.)