

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

CRIMINAL APPLICATION NO. 743 OF 2021

Ajinkya Ganpat Kolekar & Ors.

..Applicants

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Ramakant Patil i/b. Saurabh D. Dikshit for Applicants.

Mr. J. P. Yagnik, APP for State/Respondent No.1.

Mr. Rupesh Dubey for Respondent No.2.

**CORAM : NITIN JAMDAR AND
SARANG V. KOTWAL, JJ.**

DATE : 07 OCTOBER 2021

P.C. :

. This is an application under section 482 of the Code of Criminal Procedure for quashing of the F.I.R. dated 11 March 2021, registered at MIDC Bhosari police station vide C.R.No.126 of 2021, under sections 498-A, 313, 323, 504 and 506 r/w. 34 of the Indian Penal Code. The charge-sheet in this case is also filed bearing R.C.C.No.581 of 2021 before the J.M.F.C., Pimpri and the prayer is for quashing of the entire proceedings. The application is filed for quashing by consent.

2. Heard Shri. Ramakant Patil, learned counsel for the Applicants, Shri. Yagnik, learned APP for the State-Respondent No.1 and Shri. Rupesh Dubey, learned counsel for the Respondent No.2.

3. The F.I.R. is lodged by the Respondent No.2. The Applicant No.1 is husband of the Respondent No.2, the Applicant Nos.2 and 3 are parents of the Applicant No.1 and the Applicant No.4 is married sister of the Applicant No.1.

4. In her F.I.R., the Respondent No.2 has stated that, she got married with the Applicant No.1 on 24 February 2019. At the time of her wedding, her parents had given her 10 tola gold and other articles. She started residing with the Applicant Nos. 1 to 3. She was treated properly for initial one month. Thereafter the Applicant No.1 told her that, he did not want to marry her and that he had married only as per the wishes of his family members. When the informant complained to the Applicant Nos.2 and 3, they supported the Applicant No.1. The F.I.R. mentions that the Applicant Nos.1 to 3 started harassing her mentally on the ground that, her parents had not spent enough in the wedding. It is alleged that, whenever the Applicant No.4 visited the joint family, she also harassed the Respondent No.2. The Applicants were telling the Respondent No.2 to ask for her share from her parents' properties. In May 2019 the Respondent No.2 was pregnant but the applicants told her not to continue with her pregnancy. After that, her harassment increased. It

is alleged that, in spite of her medical condition, she was made to lift heavy articles. She was made to travel and she was made to climb many stairs in a temple. According to her, because of all this, she suffered abortion. The applicants continued with her harassment. In April 2020 again she got pregnant. On that occasion also there was abortion. She has alleged that, since she was given pills under some pretext, she had suffered abortion. On 31 May 2020, she came back to her parents' house. After that, she and her family continuously requested the applicants to take her back to her matrimonial house, but they refused and finally she lodged this F.I.R.

5. On the last occasion i.e. on 27 September 2021 the previous bench had interacted with the Respondent No.2 who was present in the court. It is recorded so in the order dated 27 September 2021. At that time, she had submitted that, she had decided to resolve the dispute voluntarily. She had submitted that, there is no coercion or duress. She had also stated that, she had filed affidavit out of her own volition.

6. We have perused the Affidavit of the Respondent No.2. She has stated in her Affidavit that, she and the Applicants had settled their dispute amicably. She and the Applicant No.1 have filed a Petition for Divorce by mutual consent before the Civil Judge, Senior Division, vide Marriage Petition No.1002 of 2021 and that the Applicant No.1 has deposited Rupees Ten Lakhs in the court towards

permanent one time maintenance and alimony. Her ornaments and personal belongings were also given back to her. She has categorically stated that, she wished to withdraw all the allegations made against the Applicants in C.R.No. 126 of 2021 registered with MIDC Bhosari police station and that she has no objection if the proceedings were quashed.

7. Thus, it appears that the dispute was purely a personal matrimonial dispute. It did not affect the society at large. The allegations of offence under section 313 of the IPC are vague and are not supported by any other material, particularly, in the light of the affidavit filed by the Respondent No.2 herself. In this view of the matter, keeping in mind the future of the Applicant No.1 and Respondent No.2, which they can lead without carrying any ill-will or after effects of their strained relationship, we are inclined to quash the proceedings in view of the law laid down by the Hon'ble Supreme Court in the case of *Gian Singh Vs. State of Punjab and Another reported in (2012) 10 Supreme Court Cases 303*. Hence, the following order :

ORDER

- i. The C. R. No. 126 of 2021 registered with MIDC Bhosari Police Station under sections 498-A, 313, 323, 504 and 506 r/w. 34 of the Indian Penal Code, resulting in the Charge-sheet bearing R.C.C.No.581 of

2021 and further proceedings in connection of this are quashed and set aside.

- ii. The Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)