

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1706 OF 2022

MAYUR MOHAN PARDESHI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicants : Mr. Kazi Rahil Riyazoddin
APP for Respondents/State : Mr. A. V. Deshmukh
...

CORAM : SARANG V. KOTWAL &
BHARAT P. DESHPANDE, JJ.

DATE : 16th JUNE 2022.

Per Court :

1. Leave to amend is granted. Amendment be carried out forthwith.
2. This is an application for quashing of FIR registered vide Crime No. 35/2022 at Amalner Police Station, Tal. Amalner, Dist. Jalgaon on 23.01.2022 for the offence under Sections 498A, 323, 504, 506 of the Indian Penal Code.
3. The Applicant No.1 is the husband of first informant – Respondent

No.2. The other Applicants are his family members and relatives. The FIR is regarding commission of offence punishable under Section 498A and under other Sections as mentioned earlier. It is not necessary to reproduce the entire allegations mentioned in the FIR in view of the settlement between the parties. The allegations are restricted to the dispute between husband and wife. There are allegations against others as they are relatives of the husband.

4. The Respondent No.2 has filed affidavit-in-reply. In the said affidavit, she has stated in Paragraph No.4 that the parties have arrived at settlement and in Paragraph No.6, she has stated that as per terms mentioned in H.M.P No. 126/2022 filed before the Civil Judge, Senior Division, Amalner, she does not have objection if the present Criminal Application No. 1706/2022 is allowed for quashing of the FIR. The affidavit is affirmed before the Section Officer of this Court and Respondent No.2 is duly identified.

5. We also perused the consent terms annexed to this affidavit. The said terms, show that it is an application whereby the Respondent No.2

and Applicant No.1 had prayed for divorce by mutual consent. In those consent terms also it was mentioned that the parties shall withdraw the complaints made against each other. In view of the ratio of the judgment in the case of **Gian Singh Vs. State of Punjab** as reported in (2012)10 SCC 303; there is no impediment in quashing the FIR. Hence this following order.

ORDER

- (i) The Criminal Application is allowed.
- (ii) The FIR vide Crime No. 35/2022 registered at Amalner Police Station, Tal. Amalner, Dist. Jalgaon, is quashed and set aside.
- (iii) The Criminal Application is disposed of.

[BHARAT P. DESHPANDE, J.]

[SARANG V. KOTWAL, J.]

Najeeb...