

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 235 OF 2022

Balasaheb Ananda Gaikwad

...Applicant

Versus

1. The State of Maharashtra

2. Pramila Babasaheb Gaikwad

...Respondents

Mr. Durgesh P. Jaiswal for the Applicant.

Ms. M.H.Mhatre, A.P.P for the Respondent-State.

Mr. Sagar Marathe for the Respondent No.2.

*CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.*
DATE : 16th SEPTEMBER, 2022

P.C. :

1. Heard learned Counsel for the parties.

2. Rule. Rule is made returnable forthwith, with the consent of the parties and is taken up for final disposal. Learned A.P.P waives notice on behalf of the respondent No.1–State. Mr. Sagar Marathe waives notice on behalf of the respondent No.2.

3. By this application, preferred under Section 482 of the Criminal Procedure Code, the applicant seeks quashing of the FIR bearing C.R. No. 45 of 2021 registered with the Shahuwadi Police Station, Kolhapur, for the alleged offences punishable under Sections 354, 506 etc. of the Indian Penal Code.

4. Learned Counsel for the applicant submits that post the filing of chargesheet, the parties have resolved their dispute amicably and that the respondent No.2 has no objection if the proceedings i.e. the aforesaid C.R and all consequential proceedings thereto, are quashed and set-aside.

5. Learned Counsel for the respondent No. 2 has no objection for quashing of the FIR as she has amicably settled the dispute without any undue influence, coercion and pressure. Respondent No. 2 is present in Court. Learned counsel for the respondent No. 2 has tendered a self attested xerox copy of the aadhar card of the respondent No. 2. The same is taken on record.

On questioning, she re-iterates what is stated by her in her affidavit that she has no objection for quashing of the FIR bearing C.R. No.45 of 2021 registered with the Shahuwadi Police Station, Kolhapur.

6. Perused the papers. The applicant is the brother-in-law of the respondent No.2. It appears that the applicant was staying in the same house, in which the respondent No.2 was staying alongwith her husband. According to the respondent No.2, the applicant had touched her, inappropriately and hence she lodged the aforesaid complaint. It appears that after investigation, chargesheet was filed. Post the filing of chargesheet, the parties have amicably settled their dispute. The applicant has annexed the affidavit of the respondent No.2 at page No.51. The respondent No.2 in the said affidavit has stated that the dispute is amicably settled between them i.e. between her and the applicant and that there is no force, coercion, pressure on her in making the affidavit. She has further given her no objection for quashing the FIR.

7. Considering the nature of dispute, the relations between the parties, the peculiar facts and the judicial pronouncements in this regard, there is no impediment in allowing the application.

8. The application is accordingly allowed and the FIR bearing C.R. No. 45 of 2021 registered with the Shahuwadi Police Station, Kolhapur and the proceeding arising therefrom, are quashed and set-aside.

9. Rule is made absolute in the aforesaid terms. The application is disposed of accordingly.

10. All concerned to act on the authenticated copy of this order.

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.