

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4516 OF 2021

1. Vipul Kamalnath Tiwari
2. Sau. Gita Kamalnath Tiwari
3. Kamalnath Vishwambharnath Tiwari
4. Sau. Archana (Dixit) w/o Mukul Tiwari
5. Mukul s/o Kamalnath Tiwari
6. Dilipsingh Laxmansingh Panwar ...Petitioners

Versus

1. The State of Maharashtra
2. Sau. Sheetal Vipul Tiwari ...Respondents

Ms. Sonali Pawar for the Petitioners.

Mr. K.V.Saste, A.P.P for the Respondent-State.

Mr. Priyal G. Sarda for the Respondent No.2.

CORAM : REVATI MOHITE DERE &
R. N. LADDHA, JJ.
DATE : 21st NOVEMBER, 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. Priyal G. Sarda waives notice on behalf of the respondent No.2.

3. By this petition, the petitioners seek quashing of the FIR bearing C.R. No. 392 of 2021 registered with the Jodbhavi Peth Police Station, Solapur, for the alleged offences punishable under Sections 332, 498A, 504, 506, 507 r/w 34 of the Indian Penal Code. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. Perused the papers. The petitioner No.1 is the husband of the respondent No.2. The petitioner Nos.2 and 3 are the in-laws, petitioner Nos.4 and 5 are the sister-in-law and brother-in-law of the respondent No.2 and the petitioner No.6 is the friend of the petitioner No.1 (not related). According to the respondent No.2, she got married to the petitioner No.1 on 25th January, 2019, at Pushkar, Rajasthan as per the Hindu rites and rituals. Respondent No.2 has

stated that after marriage, she started residing in her matrimonial house. The respondent No.2 has alleged that initially, she was treated well, however, subsequently, the petitioners started harassing and ill-treating her, as a result of which, she filed the aforesaid FIR alleging the aforesaid offences. After investigation, chargesheet has been filed and the case is presently pending before the Judicial Magistrate, First Class, Solapur, being R.C.C.No. 1226 of 2022.

5. In the interregnum, during the pendency of the aforesaid proceeding, parties amicably settled their dispute and the respondent No.2 started cohabiting with the petitioner No.1.

6. Learned Counsel for the respondent No.2 has tendered an affidavit of the respondent No.2 dated 3rd August, 2022, duly notarized before the Notary. The same is taken on record. In the said affidavit, the respondent No.2 has stated that the petitioner No.1 has taken her back to her matrimonial house and that she is residing with the petitioner No.1 in Rajasthan. She further states that provided her husband i.e. petitioner No.1 treats her well and takes good care of her,

she has no objection to the quashing of the FIR registered at her behest.

6. Learned Counsel for the petitioners has also tendered an affidavit of the petitioner No.1 duly affirmed by the petitioner No.1 on 21st November, 2022. In the said affidavit, the petitioner No.1 has stated that he would take good care of the respondent No.2 and that he would hand over the respondent No.2's stridhan, which is currently, in the custody of the petitioner No.2's mother, to the respondent No.2 within one week from today. The said affidavit which is in the nature of an undertaking, is accepted.

7. The petitioner No.1 as well as respondent No.2 are both, present in person. On questioning, the respondent No.2 re-iterates what is stated by her in her affidavit. The petitioner No.1 also re-iterates what is stated by him in his Affidavit of Undertaking that he would take good care of the respondent No.2 and will not create any problems/issues for the respondent No.2. The petitioner No.1 and the respondent No.2 have been identified by their respective Counsel.

Learned Counsel for the petitioner No.1 and the respondent No.2 have tendered photocopies of the Aadhar Card of their respective clients, duly attested by them. The same are taken on record and the original Aadhar Cards are verified by the learned APP.

8. Considering the nature of dispute, the relations between the parties, the fact that the respondent No.2 and the petitioner No.1 have started residing together, the amicable settlement between them and the affidavits of the petitioner No.1 and the respondent No.2 and the judicial pronouncements of the Apex Court in the case of *Gian Singh vs. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. vs. State of Punjab & Anr.*², there is no impediment in allowing the petition.

9. The petition is accordingly allowed and the FIR bearing C.R. No. 392 of 2021 registered with the Jodbhavi Peth Police Station, Solapur, and consequently, the proceeding pending before the learned Judicial Magistrate, First Class, Solapur, being R.C.C. No.

¹ (2012) 10 SCC 303

² (2014) 6 SCC 466

1226 of 2022, are quashed and set-aside.

10. Rule is made absolute in the aforesaid terms. Petition is disposed of accordingly.

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

R. N. LADDHA, J.

REVATI MOHITE DERE, J.