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

CRIMINAL WRIT PETITION NO.6326 OF 2021

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| 1. Abhay Champalal Jain | ... |
| 2. Mrs. Sharda Champalal Jain | ... |
| 3. Champalal Devichand Jain | ... |
| 4. Mrs. Taruna Abhishek Shah | ... Petitioners. |

Versus

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|---------------------------|-----------------|
| 1. State of Maharashtra | ... |
| 2. Mrs. Saloni Abhay Jain | ... Respondents |

Mr. Piyush Toshniwal i/b Ashish Pawaar for the Petitioners.

Ms. M. H. Mhatre APP for the Respondent No.1-State.

Mr. Gaurav Nankar for the Respondent No.2.

**CORAM : REVATI MOHITE DERE &
S.M. MODAK, JJ.**

DATE : 6TH OCTOBER 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.Gaurav Nankar, learned counsel waives notice on behalf of
the respondent No.2.

3 By this petition, filed under Article 226 of the
Constitution of India and under section 482 of the Code of Criminal
Procedure, the petitioners seek quashing of the FIR, bearing C. R.
No. 287 of 2021, registered with the Juna Rajwada Police Station,
Kolhapur, for the alleged offences punishable under sections 498A,
313, 323, 504, 506 read with 34 of the Indian Penal Code.

4. Quashing is sought on the premise, that the parties
have amicably settled their dispute.

5. 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; and the petitioner no.4 is the sister-in-law, of the
respondent no.2, respectively. It appears that the petitioner no.1
and the respondent no.2, got married on 10th December 2020.
After marriage, the respondent no.2 started residing at her

matrimonial home. As there was marital discord/differences between the parties, the respondent no.2, filed the aforesaid FIR, with the Juna Rajwada Police Station, Kolhapur, alleging the aforesaid offences.

6. After investigation, charge sheet was filed and the case is presently pending before the learned Judicial Magistrate, Kolhapur, being R.C.C. No.589 of 2022.

7. During the pendency of the aforesaid proceeding, the parties amicably settled their dispute and have entered into an Memorandum of Understanding (MoU) dated 6th June 2022. As per the said MoU, it is agreed that all parties would withdraw all the complaints/cases filed against each other or the family members, and that the petitioner no.1 and the respondent no.2, shall file a petition for dissolution of the marriage, by mutual consent. Pursuant thereto, it appears that the parties i.e. the petitioner no.1 and the respondent no.2, have filed a Petition before the learned Judge, Family Court, Kolhapur, seeking divorce by mutual consent, under section 13B of the Hindu

Marriage Act.

8. Learned counsel for the respondent no.2, has tendered an affidavit of the respondent no.2, dated 6th June 2022, duly affirmed before the notary. In the said affidavit, the respondent no.2, has stated that she has settled the dispute and entered into an MoU, with the petitioner no.1. She has further stated that she does not wish to proceed with the FIR registered vide C.R. No. 287 of 2021 with the Juna Rajwada Police Station, Kolhapur, and consequently, the proceeding pending before the learned Judicial Magistrate, Kolhapur, being R.C.C. No.589 of 2022. The respondent no.2 is present in person. She re-iterates what is stated by her in her affidavit. She has stated that she has received her stridhan and articles. The parties have no issues from the said marriage.

9. The respondent no.2, has tendered a xerox copy of the Aadhar card, duly attested by her. The same is taken on record. Learned counsel for the respondent no.2, has identified the respondent no.2, and the learned APP has verified the

original Aadhar card.

10. As far as section 313 of the Indian Penal Code is concerned, there is no material/documents warranting application of the said section. Learned APP does not dispute the same.

11. Considering the relations between the parties, the amicable settlement between the parties i.e. MoU entered between them, the affidavit of the respondent no.2 and the judicial pronouncements, in this regard 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.

12. The petition is accordingly allowed, and the FIR bearing C.R. No. 287 of 2021, registered with the Juna Rajwada Police Station, Kolhapur, and consequently, the proceeding pending before the learned Judicial Magistrate, Kolhapur, being

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

R.C.C. No.589 of 2022, are quashed and set-aside.

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

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

S. M. MODAK, J.

REVATI MOHITE DERE, J.