

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

CRIMINAL APPLICATION NO. 1048 OF 2022

- 1) Dr. Asit Shekhar Chidgupkar
Age: 45 years, Occ: Doctor,
- 2) Pallavi Shekhar Chidgupkar.
Age: 69 years. Occ:
Both R/o. Chidgupkar Hospital,
190, Budhwar Peth, Solapur. ...Applicants.

Versus

- 1) The State of Maharashtra.
- 2) Dr. Minal Asit Chidgupkar.
Age: 39 yrs. Occ: Doctor,
R/o. Chidgupkar Hospital,
190, Budhwar Peth, Solapur ...Respondents

Mr. Jaydeep Mane, advocate for applicants.

Mr. J.P. Yagnik, A.P.P for the Respondent – State.

Mrs. Minal A. Chidgupkar, advocate for respondent No. 2.

**CORAM : REVATI MOHITE DERE &
R.N. LADDHA, JJ.**

DATE : 15TH NOVEMBER, 2022.

P.C. :

1. Heard the 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 service on behalf of the respondent No.1-State. Respondent No. 2, who appears in person, waives notice on behalf of herself.

3. By this application, preferred under section 482 of the Code of Criminal Procedure, 1973, the applicants seek quashing and setting aside of the FIR, registered vide C.R. No. 223 of 2022 with the Rajarampuri Police Station, Kolhapur for the alleged offences punishable under section 498A, 323, 324, 504, 506 r/w. 34 of the Indian Penal Code.

4. Quashing is sought on the premise, that the parties have amicably settled their dispute, inasmuch as, the applicant No. 1 and the Respondent No. 2 have started residing together.

5. Perused the papers. The applicant No. 1 is the husband and the applicant No. 2 is the mother-in-law of the Respondent No. 2. It appears that the applicant No. 1 and

the respondent No. 2 got married on 30th January, 2008, according to Hindu rites and rituals. The applicant No. 1 and the respondent No. 2, have two children from the said wedlock. It appears that due to differences between the applicants and respondent No. 2, the respondent No. 2 lodged the aforesaid C.R., as against applicants, alleging the aforesaid offences.

6. During the pendency of the aforesaid C.R, the parties have amicably settled their disputes and have started residing together, as husband and wife.

7. The respondent No.2, who is present in person states that she has filed her affidavit. The said affidavit dated 30/9/2022 is at Exh. C at page 15. The same is solemnly affirmed before the Superintendent, District and Sessions Court, Solapur. In the said affidavit, the respondent No. 2 has stated that she has no objection to the quashing of the aforesaid C.R., lodged at her behest, in view

of the compromise/settlement between the parties.

8. The respondent No. 2 is present in person. On being questioned, she reiterates, what is stated by her in the affidavit. She states that she has started residing with the applicants, since June-July, 2022 and that, she has no grievance against the applicants and as such, has no objection to the quashing of the aforesaid CR. The Respondent No. 2 who appears in person, has tendered photocopy of her Aadhar card duly attested by her. The same is taken on record. Learned Counsel for the Petitioner has identified the respondent No. 2 and the learned APP has verified the original Aadhar Card.

9. Considering the nature of dispute, the amicable settlement between the parties, the affidavit of the respondent No. 2, that the Applicant No. 1 and Respondent No. 2 are residing together, and having regard to the judicial pronouncements of the Apex Court in ***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 application.

10. The Application is accordingly allowed and the FIR bearing C.R. No. 223 of 2022 registered with the Rajarampuri Police Station, Kolhapur at the behest of the Respondent No.2, and consequently the proceeding arising therefrom, if any, are quashed and set-aside.

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

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

R.N. LADDHA, J.

REVATI MOHITE DERE, J.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466