

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

CRIMINAL APPLICATION NO.92 OF 2018

1. Prasanna Jaiprakash Shinde
 2. Jayashri Jaiprakash Shinde
 3. Prasad Jaiprakash Shinde
 4. Rajashri Devanand Kadam
 5. Devanand Bhimrao Kadam
- ...Applicants

Versus

1. State of Maharashtra
 2. Snehal Prasanna Shinde
- ...Respondents

Mr. Anand S. Shalgaonkar, for the Applicants.

Mr. J. P. Yagnik, A.P.P for the Respondent No.1– State.

Mr. Tapan Thatte, for the Respondent No.2.

***CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.***

DATE : 5th DECEMBER 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. Thatte waives notice on behalf of the respondent No.2.

3. By this application, preferred under Section 482 of the Code of Criminal Procedure, the applicants seek quashing of the FIR bearing C.R. No.668 of 2017 registered with the Nigadi Police Station, Pune, at the behest of the respondent No.2, for the alleged offences punishable under Sections 498A, 323, 504, 506 r/w 34 of the Indian Penal Code. Quashing is sought on the premise, that the parties have amicably settled their dispute and the respondent No.2 has no objection to the quashing of the said proceeding.

4. On 14th October 2022, the learned counsel for the applicants had submitted that the matter had been amicably settled between the applicant No.1 and the respondent No.2 by entering into the consent terms before the Family Court, Pune. Learned Counsel for the applicants had also submitted that one of the terms in the consent terms was that the respondent No.2 will give her no objection

for quashing the aforesaid C.R. Learned Counsel had relied on the consent terms, which are at page 15 of the additional affidavit filed by the applicants and submitted that the applicants had complied with the consent terms, by returning the respondent No.2's articles and by making payments, as stipulated in the consent terms. He had further submitted that divorce by mutual consent was also obtained.

5. Since, according to the learned counsel for the respondent No.2, the respondent No.2 was not responding, despite making several calls to her, we thought it appropriate, having regard to the submissions advanced by the learned counsel for the applicants, to direct the concerned officer of the Nigadi Police Station, to visit the respondent No.2's house and to record her statement, as to whether she had signed the consent terms dated 2nd February 2020, before the learned Civil Judge Senior Division, Pune, in Marriage Petition No.245 of 2020, and whether she has no objection to the quashing of the aforesaid C.R, registered at her behest with the Nigadi Police Station, Pune, alleging the aforesaid offences. We had also directed

the concerned officer to place on record, the statement of the respondent No.2 duly signed by her, as well as, her identity proof. We had recorded the said submissions in our order dated 14th October 2022 and had accordingly, given the aforesaid directions.

6. Pursuant thereto, the learned APP has tendered the statement of the respondent No.2 dated 16th November 2022. To the said statement is annexed the photocopy of the aadhar card of the respondent No.2. The statement of the respondent No.2's father dated 16th November 2022 alongwith the photocopy of his aadhar card, is also produced before us.

7. Perused the papers. The applicant No.1 is the husband of the respondent No.2; the applicant No.2 is the mother-in-law; the applicant No.3, the brother-in-law; the applicant No.4, the sister-in-law respectively of the respondent No.2 and the applicant No.5 is the applicant No.4's husband. It appears that the applicant No.1 and the respondent No.2 got married on 20th January 2017. As there was

marital discord between the parties, and as according to the respondent No.2, she was ill-treated and harrassed by the applicants, she lodged the aforesaid FIR, as against the applicants, alleging the aforesaid offences. We are informed that till date charge-sheet has not been filed in the said case.

8. In the interregnum, it appears that the parties amicably settled their dispute and entered into consent terms. Pursuant to the consent terms, the parties i.e. the applicant No.1 and the respondent No.2 filed a petition seeking divorce by mutual consent, being Marriage Petition No.245 of 2020, before the learned Civil Judge Senior Division, Pune, which came to be allowed and disposed of vide Judgment and Order dated 15th February 2021. Accordingly, a decree of divorce by mutual consent was granted.

9. Since, the respondent No.2 was not appearing before this Court and since, even the counsel for the respondent No.2 had no instructions, we directed the police to record the statement of the

respondent No.2 on the last date i.e. on 14th October 2022. A perusal of the statement of the respondent No.2 recorded by the police shows that she has been divorced by mutual consent and that pursuant to her divorce, she has re-married. She has also given her no objection to the quashing of the said case, initiated at her behest. The statement of the respondent No.2's father – Vishnu Pol, is on identical lines. Both the said statements have been signed by the respondent No.2 and her father respectively. To their statements are also annexed the photocopy of their aadhar cards, duly attested by them. The same are taken on record and marked 'X colly.' for identification.

10. Considering the nature of dispute, the amicable settlement between the parties i.e. consent terms entered into between the applicant No.1 and the respondent No.2, the statement of the respondent No.2 recorded by the police and having regard to the judicial pronouncements of the Apex Court in *Gian Singh vs. State of Punjab and Another*¹ and *Narinder Singh and Others vs. State of*

¹ (2012) 10 SCC 303

*Punjab and Another*², there is no impediment in allowing the application.

11. The application is accordingly allowed and the FIR bearing C.R. No.668 of 2017 registered with the Nigadi Police Station, Pune, is quashed and set-aside.

12. Rule is made absolute in the aforesaid terms. Application is disposed of accordingly.

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.

² (2014) 6 SCC 466