

Uday S. Jagtap

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

CRIMINAL WRIT PETITION NO. 352 OF 2022

1. Ravindra Suresh Devkule
 2. Suresh Devkule
 3. Gulab Suresh Devkule
- .. Petitioners

Vs.

1. The State of Maharashtra
 2. Ankita Ravindra Devkule
- .. Respondents

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Mr. Sandeep Singh for the petitioners

Mr. J.P. Yagnik, APP for the respondent – State

Mr. Vivek Tawde i/b Mr. Ganesh Tiwari for the respondent no.2

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

DATED : 23rd 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 the petition is taken up for final disposal. Learned

APP waives notice on behalf of the respondent no.1 – State. Mr. Tiwari waives notice on behalf of the respondent no.2.

3. By this petition, the petitioners seek quashing of the FIR which was registered vide C.R. No. 575 of 2021 with the Kurla Police Station, Mumbai for the alleged offences punishable under Sections 498A, 406, 500, 504 of the Indian Penal Code.

4. Quashing is sought on the premise that the parties have amicably settled their dispute and that the petitioner no.1 and the respondent no.2 are cohabiting together for the last 9 months.

5. Perused the papers. It appears that the petitioner no.1 and the respondent no.2 got married on 3rd May, 2021 as per Hindu rites and rituals. After marriage, the respondent no.2 started residing in the matrimonial house with the petitioner no.1. It appears that as there was matrimonial discord / differences, the respondent no.2 filed the aforesaid complaint, which was registered vide C.R. No. 575 of 2021 with the Kurla Police Station, Mumbai alleging the aforesaid offences. It appears that post the registration of the said

complaint, the parties have amicably settled their dispute and it was decided that the petitioner no.1 and the respondent no.2 live separately from the in-laws.

6. We are informed by the learned Counsel for the petitioners and the learned Counsel for the respondent no.2 that since then, i.e. for the last 9 months, the petitioner no.1 and the respondent no.2 are happily living together. To the said petition, is annexed the “Compromise”, dated 7th January, 2022 entered into between the petitioner no.1 and the respondent no.2, at Exh. ‘B’ on page 14.

7. Learned Counsel for the respondent no.2 has tendered an affidavit of the respondent no.2 dated 24th January, 2022 duly affirmed before the Notary. The same is taken on record. In the said affidavit, the respondent no.2 has stated that the matrimonial dispute has been settled and that there has been a reconciliation between the parties. The respondent no.2 has given her ‘No Objection’ to the quashing of the proceedings. The respondent no.2 is present in person. The 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. Learned Counsel for the respondent no.2 has identified the respondent no.2 and the learned APP has verified the original Adhar card. On questioning, the respondent no.2 reiterates what is stated by her in her affidavit i.e. she has 'No Objection', for quashing of the FIR bearing C.R. No. 575 of 2021 registered with the Kurla Police Station, Mumbai, as she is happily living with the petitioner no.1.

8. Considering the nature of dispute, relations between the parties, the amicable settlement between the parties, the No Objection given by the respondent no.2 and the fact, that the petitioner no.1 and respondent no.2 have started cohabiting together, there is no impediment in allowing the petition.

9. The petition is accordingly allowed and the FIR bearing C.R. No. 575 of 2021 registered with the Kurla Police Station, Mumbai for the alleged offences punishable under Sections 498A, 406, 500, 504 of the Indian Penal Code and all consequential proceedings arising therefrom, 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.

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.