

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

CRIMINAL WRIT PETITION NO.1926 OF 2022

- | | | |
|--------|---------------------------|----------------|
| 1. | Bhushan Deepak Abhyankar | |
| 2. | Deepak Devid Abhyankar | |
| 3. | Snehal Deepak Abhyankar | |
| 4. | Manish Deepak Abhyankar | ...Petitioners |
| Versus | | |
| 1. | State of Maharashtra | |
| 2. | Deepika Bhushan Abhyankar | ...Respondents |

Mr. Dinesh Tayade, for the Petitioners.

Ms. M. H. Mhatre, A.P.P for the Respondent No.1–State.

Mr. Premanand K. Torane, for the Respondent No. 2.

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

DATE : 14th SEPTEMBER 2022

P.C. :

Mentioned out of turn.

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

service on behalf of the respondent No.1–State. Mr. Torane waives service on behalf of the respondent No.2.

3. By this petition, the petitioners seek quashing of the FIR bearing C.R. No. 331 of 2020 registered with the Khadki Police Station, Pune, for the alleged offence punishable under Sections 498A, 323, 504 r/w 34 of the Indian Penal Code ('IPC').

4. Perused the papers. The petitioner No.1 is the husband of the respondent No.2; the petitioner Nos.2 and 3 are the father-in-law and mother-in-law of the respondent No.2 and the petitioner No.4 is the brother-in-law of the respondent No.2. It appears that the petitioner No.1 and the respondent No.2's marriage was solemnised in April 2019. However, soon after the marriage, there were certain matrimonial issues/disputes between the parties. Pursuant thereto, the respondent No.2 lodged a complaint, which was registered vide C.R. No. 331 of 2020 with the Khadki Police Station, Pune, alleging offences punishable under Sections 498A, 323, 504 r/w 34 of the IPC.

It appears that thereafter the parties decided to amicably settle their dispute. Accordingly, petitioner No.1 and the respondent No.2 filed a petition for divorce by mutual consent before the learned Civil Judge Senior Division Court, at Panvel, Raigad being Marriage Petition No.626 of 2021. It was amicably decided between the petitioner No.1 and the respondent No.2 that all disputes will be settled as per the consent terms entered into between the parties. It appears that the parties amicably settled their dispute for an amount of Rs.8,25,000/-. As per the consent terms filed in the aforesaid Marriage Petition, the respondent No.2 has received 50% of the said amount and the balance 50% is to be paid at the time of passing of the decree i.e. on 17th September 2022.

5. Learned counsel for the respondent No. 2 has filed an affidavit of the respondent No.2 dated 18th June 2022, duly affirmed before the Notary, evidencing the aforesaid. In the said affidavit the respondent No.2 has stated that she does not wish to proceed with the aforesaid C.R. and is withdrawing all allegations/complaints made as

against the petitioners. She has also given her no objection for quashing of the proceeding i.e. C.R. No. 331 of 2020 with the Khadki Police Station, Pune. Respondent No. 2 is present in Court. On being questioned, she re-iterates what is stated by her in her affidavit. 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.

6. Learned APP has also verified the original aadhar card with respect to the identity of the respondent No.2.

7. Considering the relations between the parties, the amicable settlement between the parties 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 petition.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

8. The petition is accordingly allowed and the FIR bearing C.R. No. 331 of 2020 registered with the Khadki Police Station, Pune, and all consequential proceedings arising therefrom, are quashed and set-aside.

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

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.