

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3283 OF 2021

1. Siddharth Baburao Lahane
2. Gajanan Baburao Lahane
3. Baburao Namdev Lahane
4. Kantabai Baburao Lahane
5. Sheela @ Kamal Ramesh Mhaske ...Petitioners

Versus

1. The State of Maharashtra
2. Sadhana Siddharth Lahane ...Respondents

Mr. Sachin B. Chandan for the Petitioners.

Ms. M.H.Mhatre, A.P.P for the Respondent-State.

Advocate Himneel R. Borse for the Respondent No.2.

CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.
DATE : 12th 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 is taken up for final disposal. Learned A.P.P waives

service on behalf of the respondent No.1–State. Learned Counsel Himneel R. Borse waives service on behalf of the respondent No.2.

3. By this petition, the petitioners seek quashing and setting aside of the FIR bearing C.R.No.I-396 of 2016, registered with the Borivali Police Station, Mumbai, for the alleged offences punishable under Sections 498-A, 406 of the Indian Penal Code and all consequential proceedings arising therefrom, since the parties i.e. the petitioner and respondent No.2 have amicably settled their dispute.

4. Learned Counsel for the respondent No.2 has tendered an affidavit of the respondent No.2. In the said affidavit, the respondent No.2 has stated that she has settled all the disputes and differences with the petitioners and that, she is ready to withdraw the allegations made by her as against the petitioners. She has also in para 12 of the said affidavit dated 12th September, 2022 duly affirmed on the same day, stated that she has no objection for quashing of the FIR/CR lodged by her in view of the amicable settlement between them.

5. The respondent No. 2 is present in Court. 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. On questioning, she re-iterates what is stated by her in her affidavit i.e. she has no objection for quashing of the FIR bearing C.R. No.I-396 of 2016, registered with the Borivali Police Station, Mumbai.

6. Perused the papers. The respondent No.2 is the original complainant, who had lodged a complaint/FIR bearing C.R.No.I-396 of 2016, registered with the Borivali Police Station, Mumbai as against the petitioners alleging offences punishable under Sections 498-A, 406 of the Indian Penal Code. The petitioner No.1 is the husband, petitioner No.2 is the brother-in-law, petitioner Nos.3 and 4 are the father-in-law and mother-in-law respectively and petitioner No.5 is the sister-in-law of the respondent No.2. After investigation, chargesheet was filed as against the petitioners.

7. During the pendency of the proceeding, the parties amicably settled their dispute. It appears that the learned Civil Judge, Senior Division, Link Court, Mehkar, Buldhana has allowed the joint petition of the petitioner No.1 and the respondent No.2 under Section 13(B) of the Hindu Marriage Act, 1955 and as such, has dissolved the said marriage by a decree of divorce by mutual consent under Section 13(B) of the Hindu Marriage Act, 1955. The said judgment and order of the learned Judge is on page 69 of the petition. Today, learned Counsel for the respondent No.2 has tendered an affidavit of the respondent No.2, wherein, the respondent No.2 has given her no objection for quashing of the FIR initiated by her and all consequential proceeding arising thereto.

8. Considering the nature of dispute, the relations between the parties, the amicable settlement entered into between them, as well as having regard to the judicial pronouncements of the Apex Court in *Gian Singh vs. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. vs.*

1 (2012) 10 SCC 303

*State of Punjab & Anr.*², there is no impediment in allowing the petition.

9. The petition is accordingly allowed and the FIR bearing C.R. No. I-396 of 2016, registered with the Borivali Police Station, Mumbai and the proceeding arising from the said C.R., is also 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.

² (2014) 6 SCC 466