

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

CRIMINAL WRIT PETITION NO.1919 OF 2021

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| 1. | Shankar Bhimrao Haregaonkar | |
| 2. | Geeta Shankar Haregaonkar | |
| 3. | Vijaykumar Shankar Haregaonkar | ...Petitioners |
| | Versus | |
| 1. | State of Maharashtra | |
| 2. | Swati Vijaykumar Haregaonkar | ...Respondents |

Mr. Chetan G. Patil, for the Petitioners.

Mr. K. V. Saste, A.P.P for the Respondent No.1– State.

Mr. Sujeet Bugade, for the Respondent No.2.

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

DATE : 25th NOVEMBER 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 notice on behalf of the respondent No.1 – State. Mr. Bugade waives

notice on behalf of the respondent No.2.

3. By this petition, the petitioners seek quashing of the FIR bearing C.R. No. 1695 of 2020 registered with the Hadapsar Police Station, Pune, for the alleged offences punishable under Sections 498A, 354, 323, 500, 504, 506 r/w 34 of the Indian Penal Code. Quashing is sought on the premise, that the parties have amicably settled their dispute.

4. Perused the papers. The petitioner Nos.1 and 2 are the in-laws and petitioner No.3, the husband of the respondent No.2. It appears that the petitioner No.3 and the respondent No.2 got married on 15th December 2014, at Barshi, Solapur, after which the respondent No.2 started residing at her matrimonial house. According to the respondent No.2, as she was ill-treated and harassed by the petitioners, she was constrained to file the aforesaid CR, as against the petitioners, alleging the aforesaid offences. After investigation, charge-sheet was filed in the said case and the case is presently pending

before the learned Judicial Magistrate First Class, Cantonment, Pune, being R.C.C. No.100 of 2022.

5. During the pendency of the aforesaid proceeding, this Court vide order dated 21st July 2022 referred the parties to the Mediation Centre, for exploring the possibility of a settlement. Pursuant thereto, the Co-ordinator, Mediation Centre, appointed Mr. S. S. Shinde, 6th Joint Civil Judge, Senior Division, Pune as the Mediator. Pursuant to the mediation, the parties have amicably settled their dispute and as such have entered into consent terms. The said consent terms are filed before the Mediator and are dated 25th November 2022.

6. Learned Counsel for the petitioners as well as the learned counsel for the respondent No.2 have tendered affidavits dated 25th November 2022 of the respective parties. The said affidavits are taken on record. The petitioner No.3 in his affidavit dated 25th November 2022, tendered today has stated that he has amicably settled the

dispute before the Mediator. The respondent No.2 have also in her affidavit stated that the dispute has been amicably settled between the parties. We are informed, that as per the consent terms, the petitioner No.3 has deposited Rs.32 lakhs in the Family Court at Pune in Marriage Petition No.A-1250 of 2021. It is agreed that the respondent No.2 will give her no objection for divorce by mutual consent and that she would also withdraw the D.V. proceeding initiated by her, as against the petitioners, as well as, the aforesaid C.R. Respondent No. 2 is present in Court. On being questioned, she re-iterates what is stated by her in her affidavit. She states that she has received her streedhan and all articles; that the marriage has been dissolved by mutual consent and she has withdrawn the D.V. Complaint. Learned Counsel for the respondent No. 2 has tendered a self attested photocopy 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 also verified the original aadhar card of the respondent No.2.

7. Considering the nature of dispute, the relations between the parties, the amicable settlement between them, the consent terms entered into between the parties before the Mediator, the affidavit of the respondent No.2 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 Punjab and Another*², there is no impediment in allowing the petition.

8. The petition is accordingly allowed and the FIR bearing C.R. No. 1695 of 2020 registered with the Hadapsar Police Station, Pune, is quashed and set aside and consequently the proceeding pending before the learned Judicial Magistrate First Class, Cantonment, Pune, being R.C.C. No.100 of 2022, is also quashed and set aside.

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

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

10. Needless to state that, the respondent No.2 will be entitled to withdraw the amount of Rs.32 lakhs deposited by the petitioner No.3 in the Family Court at Pune, on production of the order passed today.

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

R. N. LADDHA, J.

REVATI MOHITE DERE, J.