

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

CRIMINAL APPLICATION NO.208 OF 2022

1. Pranil Krishnakumar Undalkar
2. Sunita Krishnakumar Undalkar
3. Krishnakumar Ramchandra Undalkar
4. Girish Kamlakant Joshi ...Applicants

Versus

1. State of Maharashtra
2. Bhagyashree Pranil Undalkar ...Respondents

Mr. Viral K. Rathod, for the Applicants.

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

Mr. Nitesh J. Mohite a/w Ms. Pooja Phagnekar, for the Respondent No.2.

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

DATE : 20th 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. Mohite waives service on behalf of the respondent No.2.

3. By this application, the applicants seeks quashing of the FIR bearing C.R. No. I-147 of 2021 registered with the Badlapur Police Station, Thane, for the alleged offences punishable under Sections 498A, 406, 323, 504, 506 r/w 34 of the Indian Penal Code, on the ground of amicable settlement between the parties.

4. Perused the papers. The applicant No.1 is the husband, the applicant Nos. 2 and 3 are the in-laws i.e. the mother-in-law and father-in-law of the respondent No.2 respectively. The applicant No.4 is the uncle of the applicant No.1. The applicant No. 1 and the respondent No.2 got married on 17th December 2018 at Badlapur. It appears that post marriage, there were disputes and differences between the parties, pursuant to which, the respondent No.2 lodged an FIR. Charge-sheet was not filed in the said case, having regard to the order passed by this Court on 6th July 2022, by which this Court

directed the police not to file a charge-sheet. It appears that thereafter, the parties amicably settled their differences.

5. Learned counsel for the respondent No. 2 has tendered an affidavit of the respondent No.2 dated 20th September 2022 duly affirmed before the Assistant Registrar, High Court, Appellate Side. The said affidavit is taken on record. To the said affidavit is annexed a xerox copy of the consent pursis entered into between the parties. Respondent No.2 in the said affidavit has given her no objection to the quashing of the proceeding initiated at her behest. In paragraph 4 of the said affidavit, the details of the settlement i.e. the amounts to be paid by the applicant No.1 is set out. As far as jewellery and other articles are concerned, the learned counsel for the respondent No.2 does not dispute that the respondent No.2 has received the same. Respondent No. 2 is present in Court. On questioning, 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.

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 nature of dispute, amicable settlement between the parties 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 application.

8. The Application is accordingly allowed and the FIR bearing C.R. No. I-147 of 2021 registered with the Badlapur Police Station, Thane and all consequential proceedings arising therefrom, are quashed and set-aside.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

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

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.