

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

CRIMINAL WRIT PETITION NO. 945 OF 2022

Sabari Ramasamy Karunkaran
VS.

...Petitioner

1. The State of Maharashtra

2. Susmita Sabri Ramasamy
(Susmita Kamble)

...Respondents

Mr. Rahul B. Khot - Advocate for the Petitioner

Mrs. A. S. Pai, PP a/w Mrs. P. P. Shinde - APP for the
Respondent-State

Mr. Prasad Patil - Advocate for Respondent No. 2

**CORAM : REVATI MOHITE DERE &
 S. M. MODAK, JJ.**

DATE : 29th 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 P.P waives notice on behalf of the Respondent No.1-State. Mr. Prasad Patil waives notice on behalf of the Respondent No. 2.

3 By this petition, the Petitioner seeks quashing of the FIR, bearing C.R. No. 421 of 2015 registered with the Chaturshringi Police Station, Pune, for the alleged offences punishable under Sections 498A, 323, 506 of the Indian Penal Code. Quashing is sought on the premise, that the Petitioner and the Respondent No. 2 have amicably settled their dispute.

4. Perused the papers. The Petitioner is the husband of the Respondent No. 2. The Petitioner and the Respondent No. 2 got married on 26/10/2015 at Residency Club, Pune according to Hindu rites and customs. Post marriage, there was marital discord between the parties, pursuant to which the Respondent No. 2 filed a complaint/F.I.R. which was registered vide C.R. No. 421 of 2015 as against the Petitioner, with the Chaturshringi Police Station, for the alleged offences as stated aforesaid. After investigation, charge-sheet was filed and the case is presently pending before the learned JMFC, 9th Court, Pune, being RCC No.

2304 of 2017.

5 It appears that in the interregnum, during the pendency of the aforesaid proceedings, the parties amicably settled their dispute and entered into the Consent Terms. The said Consent terms are at page no. 87, Exh. 'C' of the petition. Admittedly, the Petitioner and the Respondent No. 2 have no issues from the said wedlock. It is agreed that the Petitioner pays a sum of Rs. 7,00,000/- to the Respondent No. 2, as full and final settlement/permanent alimony/compensation. The Respondent No. 2 is present in Court. She states that she has received the said amount from the Petitioner.

6 Learned counsel for the Respondent No. 2 states that the Respondent No. 2 has filed her affidavit and that the same is at page no. 138 of the petition. The said affidavit is not on our file, though filed, record and hence, learned counsel for the Respondent No. 2 has tendered a xerox copy of the said affidavit-in-reply of the Respondent

No. 2. As per the said affidavit, the Respondent No. 2 has stated that she has no objection for quashing of the aforesaid C.R., in view of the amicable settlement between them. It is further stated that the parties had filed a Divorce petition, seeking divorce by mutual consent, before the learned Judge, Family Court, Pune and that the said petition was allowed vide Judgment and Order dated 07/01/2022. Respondent no. 2 is present in-person. She reiterates what is stated by her in her affidavit. She states that she has no objection for quashing of the aforesaid C.R.. She is identified by her counsel. The Respondent No. 2 has tendered a self attested xerox copy of her Aadhar card. The same is taken on record. Learned APP has verified the original Aadhar card of the Respondent No. 2.

7 Considering the nature of dispute, relations between the parties and consent terms entered into between the parties and having regard to the judicial pronouncements of the Apex Court in the case of ***Gian Singh vs. State of Punjab & Anr.***¹ and ***Narinder Singh***

1 (2012) 10 SCC 303

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

8 The petition is accordingly allowed and the FIR bearing C.R. No. 421/2015 registered with the Chaturshringi Police Station, Pune is quashed and set aside and consequently, the proceeding arising from the said C.R. which is pending before the learned J.M.F.C., Pune, being RCC No. 2304 of 2017, is also 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.

[S. M. MODAK, J.]

[REVATI MOHITE DERE, J.]

² (2014) 6 SCC 466