

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

**WRIT PETITION NO.1450 OF 2022**

1. Indradas Vaishnav

Age 59 yrs, Occ: LIC Agent,  
Add: 500, Aakhriya chok,  
Gadana Marwar JN, VTC Gadana  
PO: Gadana, Sub-Dist-Marwar JN.  
Dist-Pali, Rajasthan 306023.

2. Maina Devi Indradas Vaishnav

Age 55 yrs, Occ: Housewife,  
Add: 416, Aakhriya, Gadana Marwar  
JN, Gadana Dist-Pali, Rajasthan-306023.

3. Bhawana Indradas Vaishnav

Age 26 yrs, Occ: Nil  
Add: 416, Aakhriya, Gadana Marwar  
JN Gadana, Dist-Pali, Rajasthan 306023.

4. Varsha Bharat Vaishnav

Age 29 yrs, Occ: Housewife  
Having permanent address at 416  
Aakhriya, Gadana Marwar JN,  
Dist-Pali, Rajasthan 306023  
Having present add: 501, Laxmi West  
Block, near D Mart Nallagandla, RR  
Dist-Hyd. Telangana-- 500019.

5. Mr.Jitendra Indradas Vaishnav  
Add: Gadana, Dist: Pali, Rajasthan ... Petitioners.

Versus

1. The State of Maharashtra  
Through Hadapsar Police Station, Pune

2.Mrs. Nirmala Jitendra Vaishnav  
Age 28 yrs.  
Current residence-Nehru Park,  
Serve no.49, Kalepadal  
Railway Crossing, Rajesh Super  
Market, Masjid vali gali, Hadapsar ,  
Pune, Maharashtra.  
Add:Jethsingh ka Guda, Tehsil Rani,  
Dist-Pali, Rajasthan ... Respondents

...  
Mr.Amol Patankar, Advocate a/w Mr. Anuj Jhaveri a/w Vatsal  
Thakkar a/w Aashish Darne for the petitioners.

Mr.J.P. Yagnik, APP for State.

Ms Sana Raees Khan, Advocate for respondent no.2.

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

**DATE : 18 NOVEMBER 2022.**

***ORDER (Per R. N. Laddha, J.) :***

Heard learned Counsel, for the parties.

2. Rule. The Rule is made returnable forthwith with the consent of and at the request of the learned Counsel for the parties.

3. By this petition, the petitioners seek to quash FIR No.1110/2021 lodged with Hadapsar Police Station, Pune, at the instance of respondent no.2 for the alleged offences punishable under Sections 498 A, 323, 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. Petitioner No.5 is the husband, Petitioners No.1 and 2 are the in-laws, and Petitioners No.3 and 4 are sister-in-laws of Respondent No.2, respectively. It reveals from the record that Petitioner No.5 got married to Respondent No.2 on 13.12.2008. After marriage, Respondent No.2 started residing at her matrimonial home with the Applicants. Post marriage, Respondent No.2 has alleged harassment and ill-treatment by the Applicants, pursuant to which she lodged the FIR above against the Applicants.

5. During the pendency of the aforesaid FIR, we are informed that the parties have resolved their dispute amicably. The learned Counsel for the Petitioners and the learned Counsel for the Respondent No.2 submitted that they have mutually agreed to

dissolve the marriage and separate amicably. Learned Counsel for Respondent No.2 has tendered an affidavit dated 18.11.2022 duly affirmed before the Notary and a photocopy of the Aadhar Card duly attested by her. The affidavit of Respondent No.2 and the photocopy of her Aadhar Card is taken on record. Respondent No.2 has been identified by her Counsel. The learned APP has verified the original Aadhar Card. In the said affidavit, Respondent no.2 has given her no objection to the quashing of the aforesaid FIR. Respondent No.2 is present in person. On being questioned, she reiterates what is stated in the affidavit. We are informed that the charge sheet has not yet been filed.

6. The learned APP for Respondent No.1 submits that appropriate orders may be passed.

7. The dispute being matrimonial is a private dispute, and given the above-referred facts and the judicial pronouncements of the Apex Court in this regard in *Gian Singh Vs. State of Punjab & Anr.*<sup>1</sup> And *Narinder Singh & Ors. Vs. State of Punjab & Anr.*<sup>2</sup>, we see no impediment in allowing the petition in terms of prayer clauses (a), which reads thus.

*“(a) This Hon’ble Court be pleased to quash and set aside the FIR No.1110 dated 15.12.2021 and registered against the petitioners with Hadapsar Police Station (Pune) for the offences punishable under*

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1 (2012)10 SCC 303

2 (2014) 6 SCC 466

*Section 498-A, 323, 504 and 506 r/w  
Section 34 of Indian Penal Code, 1860.”*

8. Rule is made absolute. There shall be no order for costs.

9. Learned Counsel for Respondent No.2 to file his Vakalatnama, if not filed, within two weeks of the uploading of this order.

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

**R. N. LADDHA, J.**

**REVATI MOHITE DERE, J.**