

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

CRIMINAL APPLICATION NO. 324 OF 2021

Gajanan Shinde and Ors. ...Applicants

Versus

The State of Maharashtra and Ors. ...Respondents

Mr. Virendra V. Pethe - Advocate for the Applicants

Respondent No. 2 through VC present.

Adv. Girish Paryani a/w Adv. Vaibhav Kamble i/by A & G Legal Associates
LLP – Advocate for the Respondent No. 2

Mr. J. P. Yagnik - APP for the Respondent-State.

**CORAM : PRASANNA B. VARALE &
S. M. MODAK, JJ.**

DATE : 06th MAY, 2022

P. C. (Per S. M. Modak, J.) :-

1. Heard the learned advocate for the Applicants, learned advocate for the Respondent No. 2 and learned APP for the Respondent-State.

2. The present Applicant No. 5 – Anuja is daughter-in-law of Respondent No. 2 – Niti Pansare. The said Anuja married with son of Respondent No. 2. The present F.I.R. bearing Crime No. 33 of 2020 registered at Kasarwadavali Police Station Thane on 09/02/2020 against the present Applicants. It is for the offence under Sections 452, 379, 380, 324 read with 34 of the IPC. The sum and substance of the allegations is that the present Applicants have broken the lock of house possessed by the Respondent No. 2 on 27/08/2019. Accordingly, the F.I.R. came to be

lodged. Yet the Charge-sheet is not filed. The other applicants are relatives of the Applicant No. 5. Apart from that there is also an offence under Sections 498A, 406, 323, 504 and 506 of IPC registered against the Respondent No. 2 and her son. It is registered at the same police station on 13/12/2019.

3. During the pendency of this prosecution, the spouses have settled the dispute and also filed divorce Petition before the Family Court at Thane. They have decided to take divorce by mutual consent. It is also submitted that the case under Sections 498A, 406, 323, 504 and 506 of IPC is also withdrawn.

4. We have read the affidavit filed by the Respondent No. 2. She was present through virtual mode. She has given consent for withdrawal of the prosecution. In view of the settlement of the matrimonial dispute of husband with Applicant No. 5-wife, no purpose will be served by keeping this prosecution pending. Hence the following Order:

ORDER

- (i) The Criminal Application No. 324 of 2021 is allowed.
- (ii) The F.I.R. bearing Crime No. 33 of 2020 registered at Kasarwadavali Police Station Thane for the offence punishable under Sections 452, 379, 380, 324 read with 34 of the IPC is quashed and set aside.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)