

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

CRIMINAL WRIT PETITION NO.2709 OF 2021

Bharat Bhaurao Deshmukh ...Petitioner
Versus
1. The State of Maharashtra
2. Priytama Kaustubh Deshmukh ...Respondents

***WITH
CRIMINAL WRIT PETITION NO.3063 OF 2022***

Kaustubh Arun Deshmukh ...Petitioner
Versus
1. The State of Maharashtra
2. Priytama Kaustubh Deshmukh ...Respondents

***WITH
CRIMINAL WRIT PETITION NO.5922 OF 2021***

1. Arun Bhaurao Deshmukh
2. Rajani Arun Deshmukh
3. Bageshri Kunal Deshmukh ...Petitioners
Versus
1. The State of Maharashtra
2. Priyatama Kaustubh Deshmukh ...Respondents

Ms. Nilima Sarvagod i/b Mr. Onkar V. Warange, for the Petitioners.

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

Mr. Mandar M. Goswami a/w Ms. Megha Bajoria, for the Respondent No.2.

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

DATE : 14th 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 all the aforesaid matters are taken up for final disposal. Learned A.P.P waives service on behalf of the respondent No.1–State. Mr. Goswami waives service on behalf of the respondent No.2.
3. By these petitions, the petitioners seek quashing of the FIR bearing C.R. No. 128 of 2021 registered with the Chaturshringi Police Station, Pune City, for the alleged offence punishable under 498A, 323, 504, 506, 447 r/w 34 of the Indian Penal Code.

4. The petitioner - Kaustubh Arun Deshmukh in Writ Petition No.3063 of 2022 is the husband of the respondent No.2 (original complainant). The petitioner - Bharat Bhaurao Deshmukh in Writ Petition No.2709 of 2021 is the uncle of Kaustubh Arun Deshmukh (petitioner in Writ Petition No.3063 of 2022) and petitioners - Arun Bhaurao Deshmukh, Rajani Arun Deshmukh and Bageshri Kunal Deshmukh in Writ Petition No.5922 of 2021 are the father-in-law, mother-in-law and sister-in-law of the respondent No.2 respectively. Respondent No.2 - Priytama Kaustubh Deshmukh, is the original complainant.

5. Learned counsel for the petitioners in all the aforesaid petitions submits that the parties have resolved their dispute amicably. It appears that petitioner in Writ Petition No.3063 of 2022 and the respondent No.2 had filed a petition being Petition No.A-706 of 2020, seeking divorce before the learned Judge, Family Court at Pune. Pursuant to the filing of the said petition and the amicable settlement between the parties, the petitioner – Kaustubh Arun Deshmukh and

the respondent No.2 – Priytama Kaustubh Deshmukh, entered into the consent terms and filed the said consent terms before the learned Judge, Family Court at Pune. Learned Counsel for the petitioners submits that the respondent No. 2 in all the aforesaid petitions has no objection if the proceedings i.e. the aforesaid C.R and all consequential proceedings thereto, are quashed and set-aside.

6. Learned Counsel for the respondent No. 2 in all the aforesaid petitions does not dispute the fact that the parties have amicably resolved their dispute and have entered into consent terms. He states that the respondent No.2 has no objection to the quashing of the aforesaid proceeding. Respondent No.2 has filed an affidavit dated 1st September 2022 in all the aforesaid petitions giving her no objection to the quashing of the proceeding. Respondent No. 2 is present in Court. On questioning, she re-iterates what is stated by her in her affidavit that she has no objection for quashing of the FIR bearing C.R. No. 128 of 2021 registered with the Chaturshringi Police Station, Pune City. 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. Learned Counsel for the respondent No.2 has also identified the respondent No.2.

7. Perused the papers. As noted above, the dispute is a matrimonial dispute. It appears that during the pendency of the aforesaid petitions, the parties have arrived at a amicable settlement and have filed consent terms in the Family Court, Pune. A perusal of the affidavit filed by the respondent No.2 reveals that she has no objection to the quashing of the aforesaid proceeding i.e. C.R. No. 128 of 2021 registered with the Chaturshringi Police Station, Pune City. The respondent No.2 in paragraph 5 of the said affidavit has stated that she does not wish to prosecute any of the other accused i.e. the petitioners and has unconditionally withdrawn the allegations statements made by her in the complaint.

8. Considering the relations between the parties i.e. the respondent No.2 and the petitioners in all the aforesaid petitions, the nature of dispute 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 all the aforesaid petitions.

9. The petitions are accordingly allowed and the FIR bearing C.R. No. 128 of 2021 registered with the Chaturshringi Police Station, Pune City and all consequential proceedings arising therefrom, are quashed and set-aside.

10. Rule is made absolute in the aforesaid terms. Petitions are disposed of accordingly.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.