

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

CRIMINAL APPLICATION NO.385 OF 2022

1. Ajinkya Shankar Nivangune
2. Nandini Shankar Nivangune
3. Shankar Pilaji Nivangune
4. Anjali Ganesh Kate ...Applicants

Versus

1. The State of Maharashtra
2. Priyanka Ajinkya Nivangune ...Respondents

Mr. Anish Khandekar, for the Applicants.

Mr. J. P. Yagnik, A.P.P for the Respondent No.1– State.

Mr. Yash B. Joglekar, for the Respondent No.2.

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

DATE : 22nd 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. Joglekar waives service on behalf of the respondent No.2.

3. By this application, the applicants seek quashing of the FIR bearing C.R. No. 46 of 2020, registered with the Sinhagad Road Police Station, Pune City, for the alleged offences punishable under Sections 498A, 313, 323, 504 r/w 34 of the Indian Penal Code. The quashing is sought on the premise that the parties have amicably settled their dispute.

4. Perused the papers. The applicant No.1 is the husband of the respondent No.2, applicant Nos. 2 and 3 are the in-laws of the respondent No.2 and applicant No.4 is the sister-in-law of the respondent No.2. It appears that the applicant No.1 and respondent No.2 got married on 22nd March 2019 at Alandi, Pune. After marriage, the respondent No.2 started residing with the applicant No.1. As there were differences/discord between the parties, the respondent No.2 lodged a complaint/FIR, which was registered vide

C.R. No. 46 of 2020, with the Sinhagad Road Police Station, Pune City, alleging the aforesaid offences. Since this Court had directed the police not to file charge-sheet in the present case, the police have not filed the charge-sheet in the said case. Admittedly, the applicant No.1 and the respondent No.2 have no issues from the said wedlock.

5. It appears that during the pendency of the aforesaid application, the parties amicably settled their dispute and have entered into consent terms. The said consent terms have been filed before the learned Judge, Family Court at Pune in P.A. No.237/2020.

6. Learned Counsel for the respondent No. 2 has filed an affidavit of the respondent No.2 dated 15th January 2022, duly affirmed before the Notary. The said affidavit is on page 49 of the application. It appears from clause-5 of the said affidavit that the applicant No.1 and the respondent No.2 have agreed to seek divorce by mutual consent before the Family Court, Pune. In para 6, the

respondent No.2 has given her no objection for quashing of the FIR/ proceeding initiated at her behest. Both the applicant No.1 and the respondent No.2 have withdrawn all allegations, as against each other, in view of the amicable settlement between the parties. Respondent No. 2 is present in Court. On questioning, she re-iterates what is stated by her in her affidavit. She states that she has received the streedhan and all articles and that she has no objection to the quashing of the proceeding. 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 identified the respondent No.2.

7. Learned APP has also verified the original aadhar card with respect to the identity of the respondent No.2.

8. Considering the nature of dispute, the relations between the parties, the 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.

9. The application is accordingly allowed and the FIR bearing C.R. No. 46 of 2020, registered with the Sinhagad Road Police Station, Pune City and all consequential proceedings arising therefrom, are quashed and set-aside.

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

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466