

RUPALI
RAJESH
WAKODIKAR
Digitally signed
by RUPALI
RAJESH
WAKODIKAR
Date:
2022.11.15
10:44:13 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2559 OF 2022

1. Hiren Vijay Karsode
2. Kalpesh Vijay Karsode
3. Rakhi Vijay Karsode
4. Anita Mukesh Humane

...Petitioners

Versus

1. The State of Maharashtra
2. Laxmi Hiren Karsode alias
Ravina Hiren Karsode

...Respondents

Mr. Amrendra Jha for the Petitioners.

Mrs. M.H.Mhatre, A.P.P for the Respondent-State.

Ms. Snehal J. Gawde for the Respondent No.2.

**CORAM : REVATI MOHITE DERE &
R. N. LADDHA, JJ.**
DATE : 9th NOVEMBER, 2022

P.C. :

1. At the outset, learned Counsel for the petitioners seek leave to amend the cause title of the petition. Leave granted.

Amendment to be carried out forthwith.

2. Heard learned Counsel for the parties.

3. Rule. Rule is made returnable forthwith, with the consent of the parties and is taken up for final disposal. Learned A.P.P waives notice on behalf of the respondent No.1–State. Ms. Snehal J. Gawde waives notice on behalf of the respondent No.2.

4. By this petition, the petitioners seek quashing of the FIR bearing C.R. No. 550 of 2018 registered with the MIDC Police Station, Andheri, for the alleged offences punishable under Sections 452, 427, 504, 323 r/w 34 of the Indian Penal Code. Quashing is sought on the premise that the parties have amicably settled their dispute.

5. Perused the papers. The petitioner No.1 is the husband of the respondent No.2 and the petitioner Nos.2 to 4 are the brother-in-law and sisters-in-law respectively, of the respondent No.2. According

to the respondent No.2 (original complainant), she left her matrimonial house and went to reside with her parents. She has alleged that on 9th December, 2018, when she was at her parents place, the petitioners came to her parents house and forcibly tried to take away her daughter from them. She has alleged that in the said process, the petitioners abused and assaulted her parents with fist blows. After investigation, chargesheet was filed and the case is presently, pending before the learned Metropolitan Magistrate Court at Andheri, Mumbai being C.C. No. 526/PW/2019.

6. In the interregnum, during the pendency of the aforesaid proceeding, the parties amicably settled their dispute and the respondent No.2 has started residing with her husband i.e. the petitioner No.1. The respondent No.2 has filed her affidavit dated 23rd August, 2022 duly affirmed before the Notary. The said affidavit is at page 52 of the petition. In the said affidavit, the respondent No.2 has stated that she has amicably settled her dispute with the petitioners and she has returned to her matrimonial house and is living with the

petitioner No.1 for more than two years i.e. from 2019. She has given her no objection for quashing of the aforesaid FIR.

7. The respondent No.2 is present in person. On questioning, she re-iterates what is stated by her in her affidavit i.e. she has no objection for quashing of the said complaint / FIR lodged by her and consequently, the proceeding arising therefrom. The respondent No.2 has been identified by her Counsel. 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 and the original is verified by the learned APP.

8. Considering the nature of dispute, the relations between the parties, the affidavit of the respondent No.2, the fact that the respondent No.2 and the petitioner No.1 are residing together as husband and wife since 2019 and the judicial pronouncements of the Apex Court in the case of *Gian Singh vs. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. vs. State of Punjab & Anr.*², there is no impediment in allowing the petition.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

9. The petition is accordingly allowed and the FIR bearing C.R. No. 550 of 2018 registered with the MIDC Police Station, Andheri, Mumbai, and consequently, the proceeding arising from the said C.R. i.e. C.C.No. 526/PW/2019, pending before the learned Additional Metropolitan Magistrate, Andheri, Mumbai, are quashed and set-aside.

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

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

R. N. LADDHA, J.

REVATI MOHITE DERE, J.