

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

CRIMINAL WRIT PETITION NO.3767 OF 2022

- | | | |
|----|------------------------|----------------|
| 1. | Vinod Sopan Jambhale | |
| 2. | Sopan Genu Jambhale | |
| 3. | Suvarna Sopan Jambhale | ...Petitioners |
| | Versus | |
| 1. | Poonam Vinod Jambhale | |
| 2. | State of Maharashtra | ...Respondents |

Mr. Sohil Gulabani i/b Mr. Ajit J. Kenjale, for the Petitioners.

Mr. Amol B. Jagtap, for the Respondent No.1.

Mr. Y. M. Nakhwa, A.P.P for the Respondent No.2– State.

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

DATE : 30th NOVEMBER 2022

P.C. :

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. Mr. Jagtap waives notice on behalf of the respondent No.1. Learned A.P.P waives notice on behalf of the respondent No.2–State.

3. By this petition, the petitioners seek quashing of the FIR bearing C.R. No. 134 of 2020, registered with the Loni Kalbhor Police Station, Pune Rural, for the alleged offences punishable under Sections 498A, 323, 504, 506 r/w 34. Quashing is sought on the premise, that the parties have amicably settled their dispute.

4. Perused the papers. The petitioner No.1 is the husband, and petitioner Nos.2 and 3 are the father-in-law and mother-in-law respectively of the respondent No.1. The petitioner No.1 got married to the respondent No.1 on 27th May 2013, as per Hindu rites and rituals. It appears that post marriage, the respondent No.1 started residing with the petitioners. From the said marriage, the couple has a daughter, who is presently aged 7 years. As there was alleged ill-treatment and harrassment by the petitioners, the respondent No.1 lodged the aforesaid C.R. as against the petitioners, alleging the aforesaid offences. After investigation, charge-sheet was filed in the said case and the case is presently pending before the learned Judicial Magistrate First Class, Pune, being R.C.C. No.1707 of 2022.

5. Apart from the aforesaid proceeding, it appears that the petitioner No.1 has also filed a petition i.e. Hindu Marriage Petition No.585 of 2019 seeking dissolution of his marriage on the ground of cruelty under Section 13 (1)(ia) of the Hindu Marriage Act. The said petition was filed before the learned Civil Judge Senior Division at Satara. It also appears that the respondent No.1 had filed a Miscellaneous Criminal Application No.397 of 2020 under Section 125 of the Code of Criminal Procedure before the learned Judicial Magistrate First Class, Pune.

6. During the pendency of the aforesaid proceeding, the parties amicably settled their dispute and entered into the consent terms. The said consent terms are on page 55 of the petition. The said consent terms were filed in this Court in Miscellaneous Civil Application No.260 of 2021. As per the consent terms, the petitioner No.1 had agreed to pay a sum of Rs.16 lakhs by way of permanent alimony and maintenance towards the respondent No.1 and his

daughter. Learned Counsel for the respondent No.1 states that the respondent No.1 has received the said money. The respondent No.1 had also agreed to withdraw the proceeding initiated by her and has also given her no objection to the quashing of the aforesaid C.R.

7. Today, the learned counsel for the respondent No. 1 has tendered a consent affidavit of the respondent No.1 dated 30th November 2022, duly notarized before the Notary. The said consent affidavit is taken on record. In the said consent affidavit, the respondent No.1 has given her no objection to the quashing of the aforesaid FIR and consequentially the proceeding arising therefrom. Learned counsel for the respondent No. 1 has tendered a self attested photocopy of the aadhar card of the respondent No. 1. The same is taken on record. Respondent No. 1 is present in Court. On questioning, she re-iterates what is stated by her in her affidavit. Learned Counsel for the respondent No.1 has identified the respondent No.1 and the learned APP has verified the aadhar card of the respondent No.1.

8. Considering the nature of dispute, the relations between the parties, the amicable settlement between them, the consent affidavit of the respondent No.1 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 petition.

9. The petition is accordingly allowed and FIR bearing C.R. No. 134 of 2020, registered with the Loni Kalbhor Police Station, Pune Rural, is quashed and set aside and consequently the proceeding pending before the learned Judicial Magistrate First Class, Pune, being R.C.C. No.1707 of 2022, is also quashed and set aside.

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

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

11. Learned Counsel for the respondent No.1 to file his Vakalatnama, if not filed, on behalf of the said respondent, in the registry within two weeks of uploading of this order.

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

R. N. LADDHA, J.

REVATI MOHITE DERE, J.