

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

CRIMINAL APPLICATION NO. 821 OF 2022

1. Mr Hitesh Bharat Patil
Age – 31 Years, Occ. Service
2. Mrs Bharti Bharat Patil
Age – 52 Years, Occ. Housewife
Both Residing at Wamanrao Niwas,
Nr. Datta Mandir, Navhar Village,
Bhayandar (East), Dist. Thane 401105. ... Applicants

Versus

1. The State of Maharashtra
(Through its D.G.P.)
Dist. Mumbai.
2. Sr. Inspector of Police
Kasarvadavali Police Station,
Dist. Thane.
3. Mrs Jidnyasa Hitesh Patil
Age – 22 Years, Occ. Housewife,
Residing at Nilgiri Bhavan,
Near Guldass Company, Waghbil,
Ghobunder Road, Thane (W). ... Respondents

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Mr Sandip Mishra, Advocate for the Applicants.

Mrs P. P. Shinde, APP for State-Respondent Nos.1 and 2.

Mr Ankit Pandey i/by V. M. Shinge for the Respondent No.3.

Mr R. M. Patil, PSI, Kasarvadavali Police Station.

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

DATE : 21st NOVEMBER, 2022.

ORDER (Per R. N. Laddha, J.) :

Heard learned Counsel for the parties.

2. Rule. The Rule is made returnable forthwith with the consent of and at the request of the learned Counsel for the parties.

3. The present application under Section 482 of the Code of Criminal Procedure, 1973 is filed to quash the First Information Report No. 229 of 2022 (hereinafter referred to as 'FIR', for short) dated 8th June 2022, registered at Kasarvadavali Police Station, Thane, at the instance of Respondent No.3, against the Applicants for the offences punishable under Sections 498A, 406, 504, 323 read with Section 34 of the Indian Penal Code. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. Perused the papers. Applicant No.1 is the husband of Respondent No.3 and Applicant No. 2 is the mother of Applicant No.1. It appears from record that Applicant No.1 got married to Respondent No.3 on 30th September 2020 at Thane. After

marriage, Respondent No.3 started residing at her matrimonial home with the Applicants. Post marriage, Respondent No.3 has alleged harassment and ill treatment by the Applicants, pursuant to which she lodged the FIR above against the Applicants.

5. During the pendency of the aforesaid FIR, the parties have resolved their dispute amicably and have filed divorce petition under Section 13B of the Hindu Marriage Act, before the Family Court, Thane. Learned Counsel for the Respondent No.3 has tendered a consent affidavit dated 21st November 2022 and a photocopy of the Aadhar Card of Respondent No.3. In the said affidavit, Respondent no.3 has given her no objection to quashing of the aforesaid FIR. Respondent No.3 is present in person. On being questioned, she reiterates what is stated in the affidavit. The affidavit of Respondent No.3 and the photocopy of her Aadhar Card is taken on record. Respondent No.3 has been identified by her Counsel. The learned APP has verified the original Aadhar Card. We are informed that the charge sheet has not yet been filed.

6. The learned APP for Respondent Nos.1 and 2 submits that appropriate orders may be passed.

7. The dispute being matrimonial is a private dispute and in view of the above referred facts and the judicial pronouncements

of the Apex Court in this regard in *Gian Singh Vs. State of Punjab & Anr.*¹ And *Narinder Singh & Ors. Vs. State of Punjab & Anr.*², we see no impediment in allowing the petition. Accordingly, the petition is allowed and the FIR No. 229 of 2022 dated 8th June 2022, registered at Kasarwadi Police Station, Thane, at the instance of Respondent No.3, is quashed and set aside.

8. Rule is made absolute. There shall be no order for costs.

9. Learned Counsel for Respondent No.3 to file his Vakalatnama, if not filed, within two weeks of the uploading of this order.

10. All concerned parties are to act on the authenticated copy of this order.

R. N. LADDHA, J.

REVATI MOHITE DERE, J.

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DHARMENDER
PRITHIANI

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1 (2012)10 SCC 303

2 (2014) 6 SCC 466