

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.1627 OF 2021**

Mr. Rajnikant Ravinder JadhavPetitioner
Versus
The State of Maharashtra and anr.Respondents

Mr. Shashikant P. Chaudhari, advocate for the petitioner.
Mr. K. V. Saste, APP for the State.
Mr. A. A. Shinde i/b. M. Chandanshiv, advocate for respondent No.2.

**CORAM : PRASANNA B. VARALE &
ANIL S. KILOR, JJ.**

DATE : 9th FEBRUARY, 2022.

P.C. :

1. Heard Mr. Chaudhari, learned counsel for the petitioner, Mr. Saste, APP for the State and Mr. Shinde, learned counsel for respondent No.2.

2. By way of present petition, the petitioner has approached this Court with a principal prayer of seeking quashment of the FIR bearing crime No.105 of 2019 registered with Vaduj Police Station, District – Satara on 18th April, 2019, for the offences punishable under Section 498A, 323, 504, 506, 510 read with Section 34 of the Indian Penal Code, 1860 and further proceedings arising out of the said crime being regular criminal case No.258 of 2019 pending before Learned Judicial Magistrate First Class Court, Vaduj, qua the petitioner.

3. Learned counsel for the petitioner submitted before this Court that the petitioner is the brother-in-law of respondent No.2. It is also submitted that except certain general statements, there is no concrete positive material against the petitioner. It is further submitted that the petitioner was selected, and is presently, the employee in Armed Forces Services and is posted in the State of Jammu and Kashmir and is serving at the borders.

4. Our attention was invited to the affidavit filed on behalf of respondent No.2-Smt. Sonal Shashikant Jadhav @ Sonal Vishnu Kakade. It is submitted by learned counsel for respondent No.2 that respondent No.2 is residing in village viz. Ambavade, Tal-Khatav, District - Satara, and due to certain restrictions on travelling in view of guidelines and SOPs declared by the State of Maharashtra, respondent No.2 is facing some difficulties so as to appear even by virtual mode before this Court. Learned counsel for respondent No.2 submitted that in view of the affidavit-in-reply being filed in this Court at the instance of respondent No.2, the presence of respondent No.2 be kindly dispensed with.

5. We have perused the affidavit-in-reply filed at the instance of respondent No.2. It is stated in the affidavit-in-reply that during the pendency of the proceedings, the brother of the petitioner – Shashikant

Ravindra Jadhav and respondent No.2 have decided to amicably decide the issues/disputes and the document under the caption "Settlement Terms" is filed before the Judicial Magistrate First Class, Vita, Sangli. The copy of the said document along with the affidavit is also placed on record at Exhibit 'D', page 57 of the petition. It is further stated in the affidavit that the brother of the petitioner (husband of respondent No.2) and respondent No.2 by appearing before the learned Civil Judge, Senior Division, Vita, submitted an application No.181 of 2020 under Section 13B of the Hindu Marriage Act, 1955 for divorce by mutual consent and decree is, accordingly, passed by the competent Court of jurisdiction. A copy of the decree is annexed at page 7 of the affidavit filed by respondent No.2. In paragraph 3 of the affidavit again, a specific statement is made by respondent No.2 and the same reads thus:

"I say that as I and Petitioner and his brother have amicably resolved all the issues between us, therefore I have no objection to quash the present proceedings more specifically F.I.R. bearing C.R.No.105 of 2019 alongwith charge-sheet against the Petitioner."

6. It can, thus, be seen that the matter has been amicably settled between the parties. Perusal of the complaint, makes it clear that the allegations are totally personal in nature. In these circumstances and especially in view of the law laid down by the Apex Court in the case of **B.S.Joshi versus State of Haryana AIR 2003 SC 1386**, we are of the

opinion that no fruitful purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened.

7. In that view of the above and in the interests of justice, we are of the opinion that the FIR and the proceedings arising out the FIR are required to be quashed and set-aside. The petition is, accordingly, made absolute qua the petitioner in terms of prayer clause (b) which reads thus :

“(b) That this Hon’ble Court may issue a writ of Certiorari or any other writ, order or direction in the nature of same which a direction to quash the FIR bearing No.105 of 2019 under Section 498(A), 323, 504, 506, 510, r/w.34 of I.P.C. dated 18.04.2019 by Vaduj Police Station, Satara, AND proceedings arises out this FIR being Regular Criminal Case No.258 OF 2019 pending before Learned Judicial Magistrate First Class Court, Vaduj against the Petitioner(s);”

The writ petition, accordingly, stands disposed of.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)