

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

WRIT PETITION NO.6568 of 2021

(Order is corrected in view of the order dated 2nd February, 2022.)

Mrs. Ashwini Pranav Devale

....Petitioner

Versus

Mr. Pranav Vitthal Devale and ors.

....Respondents

Mr. Vikash B. Shivarkar, advocate for the petitioner.

Ms. Priyanka H. Chavan along with Mr. Rahul Hare, advocate for respondent No.1.

Ms. S. D. Shinde, APP for the State.

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

DATE : 17th JANUARY, 2022.

P.C. :

1. The present petition is filed at the instance of Mrs. Ashwini Pranav Devale, at whose instance, the FIR/report itself was lodged at Deccan Police Station, Pune, on 16th October, 2019 against respondent Nos.1, 2, 3 and 4 for commission of offences under Section 498A read with Section 34 of the Indian Penal Code, 1860.

2. Learned counsel for the petitioner submitted that as respondent No.1 now resides in United Kingdom and has acquired status of British Citizen and although, respondent No.1 made repeated attempts

to visit India but for the prevalent restrictions and guidelines pursuant to COVID -19 pandemic, respondent No.1 was unable to enter in India. Similar is the case with respondent No.4, who happens to be the sister-in-law of the petitioner. As per the statement in the report lodged at the instance of the petitioner - Ashwini Pranav Devale, respondent No.4 – Vinita Vitthal Devale though is the resident of Kolhapur Town, she resides in United States of America post her marriage. Respondent Nos.2 and 3 are the petitioner's father-in-law and mother-in-law respectively and both of them are in their advanced age. Considering their age as well as comorbidities suffered by them, it is also not advisable for them either to initiate or pursue the proceedings. Learned counsel for the petitioner submitted that as the parties have settled their dispute amicably and as it is decided by the parties not to continue the proceedings further and by giving an end to the case to move on in their lives, lead is taken by the petitioner herself and, accordingly, the present petition is filed for quashing of the FIR and the proceedings arising out of the FIR lodged at Deccan Police Station, Pune.

3. Our attention was invited to the consent terms filed between the parties and more particularly to the affidavit-in-reply filed on behalf of respondent No.1 – Pranav Vitthal Devale, the husband of the petitioner. It is stated that post filing of the report, the petitioner had filed P.A. 581 of 2019 for divorce and maintenance before the Family Court at Pune and

criminal M.A. No.3544 of 2019 before learned J.M.F.C.(A.C.), Pune under the provisions of Protection of Women (Domestic Violence) Act, 2005. It is further stated in paragraph 5 of the affidavit that the petitioner and respondent No.1 have mutually agreed to end the disputes, the terms of which are filed in P.A.No.581 of 2019, in the learned Family Court. It is further stated in paragraph 6 that all the disputes between both the petitioner and respondent No.1 are now resolved and that all the misunderstandings between them are cleared and a settlement has taken place between them. It is further stated in paragraph 7 that the petitioner and respondent No.2 have withdrawn all the accusations and allegations made against each other and their families. It would be useful for our purpose to refer to the terms of agreement between the parties insofar as payment of certain amounts towards one time permanent alimony referred to in paragraph (8) of the affidavit and it reads thus.

Sno.	Instalment (in Rupees)	Date	Payment
1.	7,66,666/-	At time of withdrawal the matter filed under the D.V.Act i.e. Criminal M.A.No.3544 of 2019.	Paid on 13.05.2021 vide Cheque No. 853592, dated 15/05/2021 drawn on SBI Bank, Udyam Nagar Branch, Kolhapur.
2.	7,66,666/-	At the time of final decision of the present petition	Pending
3.	7,66,666/-	At the time of final decree of divorce	Pending
Total	23,00,000/-		

The parties agree to the factual position insofar as the instalments are concerned. The amount towards first instalment of Rs.7,66,666/- is already paid to the petitioner and insofar as the 2nd instalment is concerned, the parties have agreed that the 2nd instalment would be due and payable at the time of final decision of the present petition. As such, on disposal of the present petition, the petitioner would receive the amount of Rs.7,66,666/- towards the 2nd instalment and she would be entitled to receive the amount of Rs.7,66,666/- towards the 3rd instalment at the time of final decree of divorce.

4. It is also specifically stated in the affidavit that both the parties have no grudge or grievances against each other and both the parties agree to abide by the terms of the consent term and both the parties will discharge their obligation under the consent terms at the earliest.

5. 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

view that no fruitful purpose would be served if the cases are permitted to continue against the respondents and the same would result only in futility as the parties have decided to settle their dispute amicably.

7. In view of the above referred facts, a case is made out to allow the petition in terms of prayer clause (b). Accordingly, writ petition is allowed in terms of prayer (b) which reads thus :

“b) After going through the records and proceedings in respect of R.C.C. No. 540 of 2021 pending before the Ld. J.M.F.C, (A.C.), Pune, this Hon'ble Court be pleased to quash and set aside the FIR vide C. R. No. 303 of 2019 registered at Deccan Police Station,Pune and the Chargesheet vide C.R. No. 303 of 2019 filed by the Deccan Police Station, Pune, so also the further proceedings i.e. the R.C.C. No. 540 of 2021 pending before the Ld. J.M.F.C, (A.C.), Pune.”

The writ petition is, accordingly, disposed of.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)