

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

WRIT PETITION NO. 6258 OF 2021

Ashish Suryakant Zende Patil and Anr. ...Petitioners

vs.

The State of Maharashtra and Anr. ...Respondents

Mr. Hitesh P. Vyas - Advocate for the Petitioners

Adv. Manoj M. Gadkari h/f Sanjay Bhojwani – Advocate for Respondent No. 2.

Mr. K. V. Saste - APP for the Respondent-State

**CORAM : PRASANNA B. VARALE &
S. M. MODAK, JJ.**

DATE : 02nd MAY 2022

P. C. (Per S. M. MODAK, J.) :-

. Heard the learned counsel for the respective parties.

2. This is a Petition for quashing by consent filed by the Petitioners-accused on one hand and first informant- Respondent No. 2 on the other hand.

3. The Respondent No. 2 married with the Petitioner No. 1 Ashish Zende Patil on 30/05/2014. The Petitioner No. 2 – Suryakant Zende is her Father-in-law whereas Petitioner No. 3 – Nirmala Zende is her Sister-in-law. All of them used to cohabit together. There is an allegation that Respondent No. 2 Father-in-law used to establish intimacy with Respondent No. 2. It has happened on more than one occasion. The last incident took place on 23/10/2014, when Respondent No. 2 accompanied Father-in-law to the Mahalaxmi Hotel for cleaning purpose, she was being sexually abused. She has not narrated the incident to anyone. Her parents asked her when she had been to their house, why she is not returning the

matrimonial house and at that time she had narrated the incident to her parents. Then the complaint was lodged on 25/06/2015 with Warje Malwadi Police Station and offence under Sections 354-A, 354-D, 506 of Indian Penal Code is registered.

4. The Police has filed the Charge-sheet and it is registered at R.C.C. No. 1428 of 2017. Apart from that Respondent No. 2 has also filed a private complaint before Shivaji Nagar Court bearing R. C. C. No. 2976 of 2015 for the offence under Sections 498-A, 506 (2) read with Section 34 and 354-B, 376(2) read with Section 511 of the Indian Penal Code against the Father-in-law. The case is committed and is now registered as Sessions Case No. 536 of 2016.

5. She had also filed Divorce Petition bearing No. A-893 of 2015 before Family Court, Pune and a decree of divorce is granted. There is Family Court Appeal No. 187 of 2019 filed by the Petitioner No. 1-Husband. On this background, both the Parties have entered into Consent Terms. They have filed Consent Terms in the proceedings of Family Court Appeal No. 187 of 2019. Copy of the Consent Terms is also filed at page No. 30.

6. The Petitioner No. 1 has agreed to pay Rs. 24,00,000/- towards permanent alimony and already issued a cheque. In view of that there is settlement of claim of Respondent No. 2 against the Petitioner No. 1. Both the Parties have decided to withdraw the cases filed by them against each other. There details are given in para no. 4 of the Consent Terms. Respondent No. 2 has agreed to co-operate for quashing the proceedings as there is request for quashing Sessions Case No. 536 of 2016, R.C. C. No. 1428 of 2017 and private private complaint R.C.C. No. 2976 of 2015.

7. We are inclined to quash these proceedings as parties have resolved their dispute and even the matrimonial relationship has come to end. It is

in the interest of both of the parties to quash the proceedings. Because if it remained pending, they would have to attend the Court and old memories will be revived. Hence we are inclined to exercise our power in the interest of justice. Hence the Order:-

ORDER

- (i) The Writ Petition No. 6258 of 2021 is allowed.
- (ii) The Sessions Case No. 536 of 2016 arising out of Criminal Case bearing R.C.C. No. 1428 of 2017 from F.I.R. No. 183 of 2015 registered at Warje Malwadi Police Station for the offence punishable under Sections 354-A, 354-D and 506 of Indian Penal Code is quashed and set aside.
- (iii) The private complaint being R.C.C. No. 2976 of 2015 for the offence punishable under Sections 498-A, 506(2) read with 34 and 354-B, 376 (2) read with Section 511 of the Indian Penal Code pending before District and Addl. Sessions Judge, Shivaji Nagar, Pune is quashed and set aside.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)