

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.856 OF 2022

1. Pratik Suryakant Kadam]
2. Suryakant Waman Kadam]
3. Suparna Suryakant Kadam]
4. Pranav Suryakant Kadam] Applicants

Vs.

1. State of Maharashtra]
2. Maya Pratik Kadam] Respondents

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Ms. Rekha Musale a/w Ms. Anita Salvi, for Applicants.

Ms. M.H. Mhatre, A.P. P, for Respondent No.1 -State.

Mr. Makrand Kale i/b Ms. Sangeeta Survase, for Respondent No.2.

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CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, J.J.

DATE : 23rd SEPTEMBER, 2022.

P.C.

1. Heard learned Counsel for the parties.
2. Rule. Rule is made returnable forthwith, with the consent of the parties and the application is taken up for final disposal.

Learned A.P.P waives notice on behalf of the respondent No.1 - State and Mr. Kale, waives notice on behalf of the respondent No.2.

3. By this application preferred under section 482 of the Code of Criminal Procedure, 1973, the applicants seek quashing of the First Information Report (For short 'F.I.R') bearing C.R. No.650 of 2019 registered with the Wakad Police Station, Pune for the alleged offences punishable under sections 498-A, 313, 354, 354A, 354D, 323, 504, 506 r/w 34 of the Indian Penal Code (for short "I.P.C"). Quashing is sought on the premise that the parties have amicably settled their dispute.

4. It appears that the Applicant No.1 is the husband of the respondent No.2, Applicant No.2 is the father-in-law, Applicant No.3 is the sister-in-law and Applicant No.4 is the brother-in-law of the respondent No.2. It appears that the applicant No.1 and respondent No.2 got married on 6th June, 2019 at Airoli, Navi Mumbai. After the marriage, respondent No.2 started residing at

her matrimonial home with the applicants. It appears that post marriage, there were certain matrimonial issues/disputes between the parties, pursuant to which, the respondent No.2 lodged an F.I.R bearing C.R. No.650 of 2019 as against the applicants. After investigation, charge-sheet has been filed and that the case bearing No.479 of 2020 is pending before the District and Sessions Court, Pune. It appears that in the interregnum, the parties i.e applicant No.1 and respondent No.2 filed a petition for dissolution of marriage under section 13 (1) (b) of the Hindu Marriage Act, 1955 in the Court of Civil Judge (Senior Division), Pune. Copy of the said petition is at page No.114 of the application and the compromise pursis are at 'Exhibit B' at page No.112 of the application. Admittedly, the applicant and the respondent No.2 have no issues. From the compromise pursis, it appears that the applicant No.1 will give Rs.30,00,000/- to the respondent No.2 by Demand Draft No.102390 of the State Bank of India, Kandivali (East) Branch by way of one time settlement as well as her stridhan and all articles as mentioned at pages No.122 to 124 on the date of signing the divorce papers. As per

clause 9 of the said compromise pursis, all articles of the respondent No.2 will be handed over to the respondent No.2's sister at the time of signing the divorce papers. There are several other clauses in the compromise purshies which are to be complied with by the respective parties. Learned Counsel for the applicants and the respondent No.2, on instructions of the parties, assure that the terms of the compromise pursis will be adhered to and complied with by the respective parties.

5. The respondent No.2 is present in person. Learned Counsel for the respondent No.2 has filed affidavit of the respondent No.2 dated 17th August, 2022 duly affirmed before the Assistant Registrar, High Court. The respondent No.2 has stated in the said affidavit that she has amicably settled the dispute with the applicants and that she has no objection to quashing of the proceedings. On being questioned, she reiterates what is stated by her in the said affidavit. She, however, states that she is giving no objection to quashing subject to the applicant No.1 complying with terms set out in the compromise purshis. The

respondent No.2 also undertakes to comply with the terms of the said compromise pursis. Learned Counsel for the respondent No.2 has tendered a self attested xerox copy of the Aadhar Card of the respondent No.2. The same is taken on record. Learned Counsel appearing for the respondent No.2 identifies the respondent No.2. Learned A.P.P has also verified the original Aadhar Card of the respondent No.2 with xerox copy.

6. We have perused the First Information Report and papers of investigation *prima facie*, we are satisfied that no offence under section 313 and 354-D is made out in the present case.

7. Be that as it may, considering the nature of the dispute, relations between the parties and having regard to the judicial pronouncements in this regard, there is no impediment in allowing the application.

8. The application is accordingly allowed and the FIR bearing C.R. No.650 of 2019 registered with the Wakad Police Station, Pune for the alleged offences punishable under sections 498A,

313, 354, 354A, 354D, 323, 504, 506 r/w 34 of the I.P.C is quashed and set aside. Consequently, the proceeding pending before the learned Session Court, Pune i.e R.C.C No.479 of 2020 arising out of C.R. No.650 of 2019 is also quashed and set aside, subject to the condition that the parties comply with the respective undertaking as set out in the compromise pursis.

9. Rule is made absolute in the aforesaid terms. Application is disposed of accordingly.

10. All parties to act upon the authenticated copy of this order.

[PRITHVIRAJ K. CHAVAN, J.] [REVATI MOHITE DERE, J.]