

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2969 OF 2022

1. Swapnil Mukund Bodhankar
 2. Mukund Govindrao Bodhankar
 3. Madhavi Mukund Bodhankar
- ...Petitioners

Versus

1. The State of Maharashtra
 2. Isha Swapnil Bodhankar
- ...Respondents

Mr. Sattyendra Muley a/w Manasvi Sonawane for the Petitioners.

Mr. J.P.Yagnik, A.P.P for the Respondent-State.

Mr. Pranav Dhakne for the respondent No.2.

CORAM : REVATI MOHITE DERE &
S. M. MODAK, JJ.
DATE : 18th OCTOBER, 2022

P.C. :

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

notice on behalf of the respondent No.1–State. Mr. Pranav Dhakne waives notice on behalf of the respondent No.2.

3. By this petition, the petitioners seek quashing of the FIR bearing C.R. No. 98 of 2021 registered with the Upnagar Police Station, Nashik, for the alleged offences punishable under Sections 498-A, 323, 406, 504, 506 r/w 34 of the Indian Penal Code. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. Perused the papers. The petitioner No.1 is the husband of the respondent No.2 and the petitioner Nos.2 and 3 are the in-laws of the respondent No.2. The petitioner No.1 got married with the respondent No.2 on 23rd November, 2019. After marriage, the respondent No.2 started residing at her matrimonial home. In view of the allegations made by the respondent No.2 as against the petitioners, the police registered the aforesaid C.R. as against the petitioners for the alleged offences as stated aforesaid. After investigation,

chargesheet was filed and the case is presently pending before the learned Judicial Magistrate, First Class, Nashik, being R.C.C.No. 735 of 2021.

5. In the interregnum, during the pendency of the aforesaid proceedings, the parties amicably settled their dispute. Accordingly, the parties i.e. the petitioner No.1 and the respondent No.2 filed a compromise pursis seeking divorce by consent, before the learned Judge, Family Court, Pune, in Petition A. No. 429 of 2021. As per the terms of settlement, the respondent No.2 has received a sum of Rs.12,50,000/-, by way of full and final settlement. The parties have also agreed to unconditionally withdraw the cases filed against each other. The respondent No.2 has no objection for quashing of the C.R./proceedings initiated at her behest.

6. The respondent No.2 has also filed an affidavit dated 29th July, 2022 which is at 'Exhibit – D' on page 29 of the petition, duly notarized before the Notary. In the said affidavit, she has stated that the dispute has been amicably settled between her and the petitioner

and that she has no objection for quashing of the aforesaid C.R. and subsequently, the proceeding which is pending before the learned Judicial Magistrate, First Class, Nashik.

7. The respondent No. 2 is present in Court. 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. On questioning, she re-iterates what is stated by her in her affidavit, that she has no objection for quashing of the FIR bearing C.R. No. 98 of 2021 registered with the Upnagar Police Station, Nashik and the proceeding arising therefrom.

8. The respondent No.2 states that she has received an amount of Rs.12,50,000/- and has also received her articles and stridhan.

9. Considering the nature of dispute, the relations between the parties, the amicable settlement between the parties, the affidavit of the respondent No.2 and having regard to the judicial

pronouncements of the Apex Court in *Gian Singh vs. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. vs. State of Punjab & Anr.*², there is no impediment in allowing the petition.

10. The petition is accordingly allowed and the FIR bearing C.R. No. 98 of 2021 registered with the Upnagar Police Station, Nashik and consequently the proceeding arising from the said C.R. pending before the learned Judicial Magistrate, First Class, Nashik, being R.C.C.No. 735 of 2021, are quashed and set-aside.

11. Rule is made absolute in the aforesaid terms. Petition is disposed of accordingly.

12. All concerned to act on the authenticated copy of this order.

S. M. MODAK, J.

REVATI MOHITE DERE, J.

¹ (2012) 10 SCC 303

² (2014) 6 SCC 466