

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

CRIMINAL APPLICATION NO. 826 OF 2021

Himanshu Anil Jambure

...Applicant

Versus

1. The State of Maharashtra

2. Pooja Himanshu Jambure

...Respondents

Mr. Murlidhar Kale i/b Ms. Pooja Bhosale for the Applicant

Mr. J. P. Yagnik, A.P.P for the Respondent No.1–State

Mr. Samir Suryawanshi for the Respondent No. 2

***CORAM : REVATI MOHITE DERE &
MADHAV J. JAMDAR, JJ.
WEDNESDAY, 7th 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 is taken up for final disposal. Learned A.P.P waives service on behalf of the respondent No.1–State. Mr. Suryawanshi waives service on behalf of the respondent No.2.

3 By this application, the applicant seeks quashing of the FIR bearing C.R. No. 229/2021 registered with the Andheri Police Station, Mumbai, for the alleged offence punishable under Sections 323, 406, 498-A and 504 of the Indian Penal Code.

4 Learned counsel for the applicant submits that the parties have resolved their dispute amicably and have entered into the consent terms. He submits that the respondent No. 2 has no objection if the proceedings i.e. the aforesaid C.R and all consequential proceedings thereto, are quashed and set-aside. Learned counsel for the applicant has tendered an affidavit of the applicant dated 27th August 2022.

5 Learned counsel for the respondent No. 2 does not dispute the fact that the parties have amicably resolved their dispute and have entered into consent terms. Learned counsel for the respondent No. 2 has also tendered an affidavit of the respondent No. 2 dated 27th August 2022 giving her no objection to the quashing of the aforesaid C.R. To the said affidavit, the respondent No. 2 has annexed her

Aadhar Card at Exhibit-A. She is personally present in Court. 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. 229/2021 registered with the Andheri Police Station, Mumbai.

6 Perused the papers. It appears that after the aforesaid complaint/FIR was lodged by the respondent No. 2 as against the applicant, alleging the aforesaid offence, the parties mutually settled their dispute and entered into consent terms and filed an application for divorce by mutual consent under Sections 13B of the Hindu Marriage Act in the Court of the learned Judge, Family Court, Mumbai bearing Application No. F-3321/2021. Learned Judge, Family Court, Mumbai, vide judgment and order dated 9th December 2021, allowed the said application filed by the applicant and respondent No. 2 and as such, dissolved the marriage between applicant and respondent No. 2 by a decree of divorce by mutual consent under Sections 13B of Hindu Marriage Act. The said judgment and order is annexed to the affidavit tendered by the applicant today. We are

informed that the DV complaint filed by the respondent No. 2 has already been withdrawn by the respondent No. 2.

7 Considering the nature of dispute 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 Application.

8 The Application is accordingly allowed and the FIR bearing C.R. No. 229/2021 registered with the Andheri Police Station, Mumbai, is quashed and set-aside.

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

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

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

MADHAV J. JAMDAR, J.

REVATI MOHITE DERE, J.