

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

CRIMINAL WRIT PETITION NO.3388 OF 2022

1. Vineet Krishankumar Chawla
 2. Premlata Krishankumar Chawla ...Petitioners
- Versus
1. State of Maharashtra
 2. Shilpa Vineet Chawla alias Shilpa Dharamvir Joshi ...Respondents

Mr. Naveen Sharma, for the Petitioners.

Ms. A. S. Pai, P.P. a/w Ms. S. D. Shinde, A.P.P for the Respondent No.1– State.

Mr. Mayank Joshi a/w Mr. Sumed Sonawane, for the Respondent No.2.

***CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.***

DATE : 20th 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. Joshi waives

service on behalf of the respondent No.2.

3. By this petition, the petitioners seeks quashing of the FIR bearing C.R. No. 138 of 2020, registered with the Kondhwa Police Station, Pune, for the alleged offences punishable under Sections 498A, 323, 504, 506 and 34 of the Indian Penal Code and further proceeding i.e. R.C.C. No.290/2020, pending before the learned Judicial Magistrate First Class, Cantonment at Pune, on the ground of amicable settlement between the petitioner No.1 and the respondent No.2.

4. Perused the papers. The petitioner Nos.1 and 2 are the husband and the mother-in-law of the respondent No.2 (original complainant) respectively. It appears that the marriage between the petitioner No.1 and the respondent No.2 was solemnized on 25th February 2012. From the said wedlock, the couple has a child, born on 1st July 2014. It appears that thereafter, there were differences between the parties, pursuant to which, the respondent No.2 lodged a

complaint/FIR, which was registered vide C.R. No. 138 of 2020, registered with the Kondhwa Police Station, Pune, alleging the aforesaid offences. After investigation, charge-sheet was filed and presently the case is pending before the learned Judicial Magistrate First Class, Cantonment at Pune being R.C.C. No.290/2020. It appears that post thereto, the parties decided to amicably settle their dispute and accordingly the petitioner No.1 and the respondent No.2 have filed a petition under Section 13B of the Hindu Marriage Act, before the Family Court, Thane. The consent terms were filed in the said 13B petition before the Family Court, Thane, wherein the parties have agreed to withdraw all cases initiated as against each other.

5. Learned counsel for the respondent No. 2 has filed an affidavit of the respondent No.2 dated 30th August 2012, duly affirmed before the Notary, giving her consent to the quashing of the proceeding as stated aforesaid. In paragraph 5 of the said affidavit, the respondent No.2 has given her no objection to the quashing of the proceeding initiated by her as against the petitioners. Respondent No.

2 is present in Court. On being questioned, she re-iterates what is stated by her in her affidavit. 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 for the respondent No.2 has identified the respondent No.2.

6. Learned APP has also verified the original aadhar card of the respondent No.2.

7. Considering the relations between the parties, the nature of dispute, the amicable settlement between the parties and having regard to the judicial pronouncements of the Apex Court in *Gian Singh vs. State of Punjab and Another*¹ and *Narinder Singh and Others vs. State of Punjab and Another*², there is no impediment in allowing the petition.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

8. The petition is accordingly allowed and the FIR bearing C.R. No. 138 of 2020, registered with the Kondhwa Police Station, Pune, for the alleged offences punishable under Sections 498A, 323, 504, 506 and 34 of the Indian Penal Code and further proceeding i.e. R.C.C. No.290/2020, pending before the learned Judicial Magistrate First Class, Cantonment at Pune arising from the said C.R, are quashed and set-aside.

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

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.