

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

CRIMINAL APPLICATION NO. 1244 OF 2022

1. Atul Kishor Sonawane
2. Kishor Tulshiram Sonawane
3. Mangal Kishor Sonawane
4. Ravindra Pundalik Ahire
5. Bhaskar Pundlik Ahire
6. Yogita Bhaskar Ahire
7. Vaishali Ravindra Ahire
8. Pankaj Pandurang Sonawane .. Applicants

Vs.

1. The State of Maharashtra
2. Hemangi Atul Sonawane .. Respondents

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Mr. Sachin Padaye for the applicants
Mr. Satyajeet Dighe for the respondent no.2
Mr. J.P. Yagnik, APP for the respondent - State
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**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.**

DATED : 16th DECEMBER, 2022.

ORDER :- (Per Prithviraj K. Chavan, J.)

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. Mr. Yagnik, learned APP waives service on behalf of respondent No. 1- State and Mr. Dighe, learned Counsel waives service on behalf of respondent No.2.
3. By this application, preferred under Section 482 of the Code of Criminal Procedure, 1973, the applicants seek quashing of the F.I.R bearing C.R. No. 0377 of 2020 dated 13.09.2020 registered with Chawani Police Station, Malegaon for the alleged offences punishable under Sections 498A, 406, 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. The facts in brief are as follows.
5. The marriage between the respondent no.2 and the applicant

no.1 was solemnized on 10.05.2014. Out of the wedlock, they have a son aged about 4½ years. His name is Harshawardhan. Certain golden ornaments were given in the marriage by the father of the respondent no.2 to the applicant no.1. However, the applicant no.1, who is a Doctor by profession, alongwith the rest of the applicants, started ill-treating the respondent no.2, few months after the marriage. There was a demand of Rs.25 lakhs for construction of a Hospital. When the parents of the respondent no.2 expressed their inability to provide such a huge amount owing to the fact that she was recently married to the applicant no.1, the applicants started ill-treating the respondent no.2 by physically assaulting her. Despite, making efforts to convince the applicants by the parents of the respondent no.2, there was no change in their behaviour. All efforts were in vain.

6. When the respondent no.2 was pregnant in the year 2015, the applicant no.1 and her mother-in-law insisted upon terminating the pregnancy. When she refused, the applicants threatened that the applicant no.1 would not co-habit with her. In the month of February, 2016, Harshwardhan was born at her natal house. After

her return to the matrimonial house, the applicants continued their demand of Rs.25 lacs and were insisting upon the respondent no.2 to bring the amount from her parents. The respondent no.2 was subjected to physical and mental cruelty by assault and abuses. Ultimately, a report came to be lodged as above.

7. Meanwhile, the applicant no.1 had also filed a cross complaint against the respondent no.2 and her family members (Criminal Application No.1108 of 2022) being R.C.C. No. 911 of 2022 for the offences punishable under Sections 143, 144, 145, 147, 148, 149, 326, 452, 323, 504, 506 r/w 34 of the Indian Penal Code with Mhasrul Police Station, Nashik. As such, there were two FIRs at two different Police Stations lodged by the respective parties against each other.

8. The parties have now amicably settled their dispute. The respondent no.2 has sworn an affidavit dated 16.12.2022 duly affirmed before the Assistant Registrar of this Court. It would be apposite to reproduce the relevant portion of the affidavit, which reads thus :-

“2. I further say that the dispute between the applicants and myself is amicably resolved. In view thereof I have no objection if the First Information Report filed by me against the Applicants bearing C.R. No.0377 of 2020 filed at Chawani Police Station, Malegaon, Dist. Nashik dated 13.09.2020, is quashed.

3. I say that as per the consent terms and as per the joint petition for divorce by mutual consent before the Hon’ble Family Court at Nashik, the applicants have agreed to pay me a sum of Rs.19,00,000/- (Nineteen Lacs only) and out of the same I have received sum of Rs.9,50,000/- and the balance 9,50,000/- applicants have agreed to pay me on the conclusion of proceeding of Divorce by mutual consent before the Hon’ble Family Court.

4. Thus by the present affidavit I consent to the quashing of F.I.R. in question as I all the parties have resolved the dispute by mutual consent and more particularly because applicant have assured me that the on the conclusion of the proceeding before the Hon’ble Family Court, the demand draft of Rs.9,50,000/- will be honored.”

9. The said affidavit is taken on record. Learned Counsel for the respondent no.2 has tendered photostat copy of the Aadhar Card of the respondent no.2. The same is taken on record. The respondent no.2 is present in the Court. She reiterates the contents of the said affidavit. Learned Counsel appearing for the respondent no.2 identifies the respondent no.2. Learned APP has also verified the

original Aadhar Card of the respondent no.2.

10. In view of the same, the respondent no.2 has no objection for quashing of F.I.R bearing C.R. No. 0377 of 2020 registered as against the applicants. On being questioned, the respondent no.2 reiterates what is stated by her in the affidavit and that she has no objection to quashing of the aforesaid C.R.

11. Having considered the nature of the allegations, nature of the dispute, amicable settlement between the parties, affidavit of the respondent no.2 and 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.

12. The application is accordingly allowed and FIR No. 0377 of 2020 dated 13.09.2020 registered with Chawani Police Station, Malegaon for the alleged offences punishable under Sections 498A, 406, 323, 504, 506 r/w 34 of the Indian Penal Code is quashed and set aside.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

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

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

[PRITHVIRAJ K. CHAVAN, J.]

[REVATI MOHITE DERE, J.]