

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

WRIT PETITION NO.3659 OF 2022

Radhakrishnan Sadanandan Nair ...Petitioner

Versus

1. State of Maharashtra
2. Mrs.Jayeshri Radhakrishnan Nair ...Respondents

Mr.Niranjan A. Mogre i/b Irfan Shaikh for the Petitioner.

Mrs.A. S. Pai, PP a/w Ms S.D. Shinde, APP for the Respondent No.1-
State.

Mr.Anand Shalgaonkar for the Respondent No.2.

***CORAM : REVATI MOHITE DERE &
R.N.LADDHA, JJ.***

DATE : 10th NOVEMBER, 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 and Mr.Salgaonkar waives notice on behalf of the respondent No.2.

3. By this petition, the petitioner seeks quashing of the FIR, bearing C.R. No.I-421 of 2018 registered with the Navghar Police Station, Thane, for the alleged offences punishable under Sections 498A, 406, 323, 504, 506 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 is the husband of the respondent no.2. It appears that the petitioner and the respondent no.2 got married as per Hindu Vedic rites on 15.12.2006. From the said wedlock the couple has a daughter, who is currently 15 years of age. According to the respondent no.2 after marriage, she started residing with the petitioner, however, as there was harassment, ill-treatment, she lodged the aforesaid C.R., as against the Applicant. After investigation, Charge-sheet was filed as against the petitioner and

the case is presently pending before the Chief Judicial Magistrate, Thane, being R.C.C. No.171 of 2020. Another proceeding was also filed by the petitioner before the Family Court, Mumbai.

5. During the pendency of the aforesaid proceedings, the parties amicably settled their dispute.

6. Learned Counsel for the respondent no.2 has tendered an affidavit of the respondent no.2 dated 10.11.2022 duly affirmed before the Assistant Registrar, High Court, Mumbai. To the said affidavit is annexed the judgment and order dated 10.08.2022 passed by the learned Judge, Family Court, Mumbai, by which the Learned Judge was pleased to pass a Decree of divorce by mutual consent. The Consent Terms, are also annexed to the affidavit. Both the parties agree to comply with the terms and conditions set out in the said Consent Terms. The said affidavit is taken on record. Learned Counsel for the respondent no.2 has also tendered a xerox copy of the Aadhar Card of respondent no.2 duly attested by her. Same is

taken on record. The respondent no.2 is present in person. On being questioned, she re-iterates what is stated by her in the affidavit. She is identified by her Counsel and the learned APP has verified the original Aadhar Card.

7. Considering the nature of dispute, the relations between the parties, the amicable settlement between them, the decree of divorce by mutual consent, the affidavit of the respondent no.2, and the judicial pronouncements in this regard, there is no impediment in allowing the petition.

8. The petition is accordingly allowed and the FIR bearing C.R. No.I-421 of 2018 registered with the Navghar Police Station, Thane and consequently, the proceeding pending before the Learned Chief Judicial Magistrate, Thane, being RCC No.171/2020 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.

R.N.LADDHA, J.

REVATI MOHITE DERE, J.