

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 941 OF 2022

1. Mandar Kamlakar Samant
2. Kamlakar Anant Samant
3. Suruchi Kamlakar Samant
4. Anant Kamlakar Samant
5. Pallavi Anant Samant ...Applicants

Versus

1. The State of Maharashtra
2. Megha Mandar Samant ...Respondents

Mr. Raviraj Paramane, for the Applicants.

Mr. K.V.Saste, A.P.P for the Respondent-State.

Mr. Advait Shukla, for the Respondent No.2.

CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.
DATE : 5th DECEMBER, 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. Advait Shukla waives notice on behalf of the respondent No.2.

3. By this application, the applicants seek quashing of the FIR bearing C.R. No. 224 of 2018 registered with the Indira Nagar Police Station, Nashik, at the behest of the respondent No.2, for the alleged offences punishable under Sections 498A, 420 etc. of the Indian Penal Code. Quashing is sought on the premise, that the parties have amicably settled their dispute.

4. Perused the papers. The applicant No.1 is the husband of the respondent No.2; the applicant Nos.2 and 3 are the father-in-law and mother-in-law; the applicant No.4 is the brother-in-law and the applicant No.5 is the sister-in-law respectively of the respondent No.2. It appears that the applicant No.1 and the respondent No.2 got married on 3rd January, 2016, after which, the respondent No.2 started

living in her matrimonial home with the applicants. As according to the respondent No.2, she was ill-treated and harassed, she filed the aforesaid FIR as against the applicants, alleging the aforesaid offences. After investigation, chargesheet was filed and the case is presently pending before the learned Judicial Magistrate, First Class, Nashik, being R.C.C.No.1039 of 2021.

5. We are informed that the learned J.M.F.C., at Nashik has granted divorce by mutual consent vide Judgment and Order dated 14th November, 2022. Today, learned Counsel for the respondent No.2 has tendered an affidavit of the respondent No.2 dated 21st November, 2022, duly notarized before the Notary. To the said affidavit, is annexed a photocopy of the Aadhar Card of the respondent No.2, duly signed by her. The said affidavit is taken on record. In the said affidavit, the respondent No.2 has stated that the dispute is amicably settled between her and the applicant and that a Decree of Divorce has also been passed by the Family Court, Nashik. She has stated that she has no objection for quashing of the aforesaid

proceeding.

6. The respondent No.2 is present in person. On questioning, she re-iterates what is stated by her in her affidavit i.e. she has no grievance as against the applicants. The respondent No.2 has been identified by her Counsel. The original Aadhar Card of the respondent No.2 is verified by the learned APP.

7. Considering the nature of dispute, the amicable settlement between the parties, the 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 petition.

8. The petition is accordingly allowed and the FIR bearing C.R. No. 224 of 2018 registered with the Indira Nagar Police Station, Nashik, and consequently, the proceeding pending before the learned Judicial Magistrate, First Class, Nashik, being R.C.C. No. 1039 of

¹ (2012) 10 SCC 303

² (2014) 6 SCC 466

2021, 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.