

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.958 OF 2021

Yogesh Mohan Phadtare And Ors.
Vs.
The State of Maharashtra And Anr.

... Applicants
... Respondents

Mr. Sushant Jadhwar – Advocate for the Applicant.
Smt. A. S. Pai – PP for Respondent - State.
Ms. Arun Kadam, Advocate for Respondent No.2.

**CORAM : PRASANNA B. VARALE &
S.M. MODAK, JJ.**

DATE : 21st MARCH, 2022

P.C. :

1. This is a quashing Application by three accused persons. Applicants No.2 and 3 are the parents of Applicant No.1, whereas Applicant No.1 is husband of Respondent No.2. Respondent No.2 lodged complaint to Kulgaon Police Station on 21.11.2020 under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code against three Applicants. She was being harassed for not paying the amount for the purpose of purchasing four wheeler.

2. So also Respondent No.2 has filed application E-192/2020

before Family Court Bandra. Applicant No.1 was also subjected to departmental inquiry. During pendency of all these matters, Applicant No.1 and Respondent No.2 have decided to put an end to their dispute and to marital tie and both have filed mutual consent Petition for divorce at Bandra Family Court. Applicant has agreed to pay Rs.3,50,000/- to Respondent No.2 and she has agreed to withdraw E-Application and has also to give consent for quashing of First Information Report. Even she has agreed to cooperate Applicant No.1 for his reinstatement in service. Both have also filed affidavits and consent term before Family Court. Their copies and copy of mutual Application is filed on record Respondent No.2 has also filed consent affidavit in this Court thereby affecting the settlement.

3. When both the spouses have agreed to separate the marital tie. Continuance of criminal case will come in their way. Both have agreed to start new life. Hence we are inclined to quash the FIR. Hence the following Order.

ORDER

- a) Criminal Application No.958 of 2021 is allowed
- b) The FIR bearing C.R No.159 of 2020 dated 21.11.2020 registered at Kulgaon Police Station, Thane Rural for the

offence punishable under Sections 498-A, 323, 504, 506
read with 34 of IPC and the proceeding pending before
2nd Joint Civil Judge/ JMFC, Ulhasnagar charge sheet
bearing C.C. No.718 of 2021 are quashed and set aside.

(S.M. MODAK, J.)

(PRASANNA B. VARALE, J.)