

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

CRIMINAL APPLICATION NO. 1025 OF 2018

1. Dilip Deoram Wagh
2. Yamuna Dilip Wagh
3. Rajeshwar Dilip Wagh
4. Jayshri Rajeshwar Wagh
Versus
1. The State of Maharashtra
2. Mayuri Kiran Wagh

...Applicants
...Respondents

***WITH
CRIMINAL APPLICATION NO. 1026 OF 2018***

Kiran Dilip Wagh
Versus
1. The State of Maharashtra
2. Mayuri Kiran Wagh

...Applicant
...Respondents

Mr. Alankar Kirpekar a/w Mr. Rajas Panandikar and Mr. Shekhar Bhagat i/b MAG Legal for the Applicants

Mr. K. V. Saste, A.P.P for the Respondent No.1-State

Mr. R. R. Tikane for the Respondent No. 2

**CORAM : REVATI MOHITE DERE &
S. M. MODAK, JJ.
TUESDAY, 18th OCTOBER 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. Tikane waives notice on behalf of the respondent No.2.

3 By these applications, the applicants seek quashing of the FIR registered vide CR No. I-75/2018 with the Ambad Police Station, Nashik City, Nashik, for the offences punishable under Sections 377 and 406 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 in Criminal Application No. 1026/2018 is the husband of the respondent No. 2. The applicant Nos. 1 and 2 are the in-laws of the respondent No. 2 in Criminal Application No. 1025/2018 and applicant No. 3 is the

brother-in-law of the respondent No. 2 and applicant No. 4 is the wife of the applicant No. 3 in Criminal Application No. 1025/2018. It appears that the applicant-Kiran Wagh got married to the respondent No. 2 on 25th December 2015 at Kalyan. After marriage, the respondent No. 2 started residing at her matrimonial house. According to the respondent No. 2, as there was demand of gold jewellery and articles, harassment at the behest of the applicants and domestic violence, she filed the aforesaid FIR as against the applicants, alleging the aforesaid offences. After investigation, charge-sheet was filed in the said case and the case is presently pending before the learned Judicial Magistrate First Class, Nashik being RCC No. 1475/2018.

5 In the interregnum, the parties decided to amicably settle the dispute. Accordingly, the applicant-Kiran Wagh and respondent No. 2 filed a petition before the learned Judge, Family Court, Nashik being A-Petition No.130/2020 seeking divorce by mutual consent under section 13B of the Hindu Marriage Act. We are

informed that the said petition is presently pending before the said Court.

6 Learned counsel for the respondent No. 2 has tendered two separate affidavits of the respondent No. 2 dated 15th September 2020, in both the aforesaid applications. The said affidavits are duly affirmed before the Notary. In the said affidavits, the respondent No. 2 has stated that she has amicably settled the dispute with the applicants. She has stated that the parties have filed a petition before the Family Court, Nashik, for divorce by mutual consent under Section 13B. She has further stated that the applicant- Kiran Wagh has agreed to pay a sum of Rs.21,00,000/- to her by way of full and final settlement. She has stated that she has received an amount of Rs. 10,50,000/- till date and that the balance amount of Rs. 10,50,000/- has to be paid at the time of passing of decree of divorce by mutual consent. She has further given her no objection to the quashing of the said CR/proceeding, initiated at her behest.

7 Respondent No. 2 is present in Court. 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 identified her. Learned A.P.P has verified the original Aadhar card of the respondent No.2. On being questioned, the respondent No.2 reiterates what is stated by her in her affidavits. She states that she has received her *streedhan* and all her articles and that she has no grievance as against the applicants and that she has no objection to quashing of the said CR/proceeding.

8 Considering the nature of dispute, relations between the parties, the amicable settlement arrived at between the parties, the affidavits of the respondent No.2 and having regard to 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 applications.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

9 The applications are accordingly allowed. The FIR bearing C.R. No. I-75/2018 registered with the Ambad Police Station, Nashik City, Nashik, as against the applicants and consequently, the proceeding pending before the Judicial Magistrate First Class, Nashik being RCC No.1475/2018, are quashed and set-aside, subject to the condition that the applicants comply with the terms of payment, as agreed between the parties.

10 Rule is made absolute in the aforesaid terms. Applications are disposed of accordingly.

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

S. M. MODAK, J.

REVATI MOHITE DERE, J.