

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

CRIMINAL APPLICATION NO.1093 OF 2022

1. Tushar Ashok Kantale
2. Ramdas Shamrao Suryawanshi
3. Prakash Janrao Kantale
4. Shubhangi D/o. Ashok Kantale
5. Shobha W/o Ashok Kantale
6. Amol Ashok Kantale
7. Ashok Janrao Kantale
8. Pramod Ramdas Suryawanshi ...Applicants

Versus

1. The State of Maharashtra
2. Minakshi Tushar Kantale ...Respondents

Mr. Mohsin Khan, for the Applicants.

Ms. P. P. Shinde, A.P.P for the Respondent No.1– State.

Mr. R. T. Diwate, for the Respondent No.2.

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

DATE : 23rd NOVEMBER 2022

P.C. :

1. Heard learned counsel for the parties.

Corrected vide order dated 20th December 2022 (**in bold**).

2. Rule. Rule is made returnable forthwith with the consent of the parties and is taken up for final disposal. Learned APP waives notice on behalf of the respondent No.1 – State. Mr. Diwate waives notice on behalf of the respondent No.2 (original complainant).

3. By this application preferred under Section 482 of the Criminal Procedure Code, the applicants seek quashing of the FIR bearing C.R. No. 57 of 2015 registered with the Kanjurmarg Police Station, Mumbai, for the alleged offences punishable under Sections 406, 420, 495, 504, 506 r/w 34 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 No.2 is the applicant No.1's brother-in-law's father; the applicant No.3 is the uncle of the applicant No.1; the applicant No.4 is the sister-in-law, the applicant No.5 the mother-in-law, applicant No.6, the brother-in-law, the applicant No.7

the father-in-law and the applicant No.8 the brother-in-law of the applicant No.1. According to the respondent No.2, her marriage with the applicant No.1 was solemnized on 8th May 2014, after which she started residing at her matrimonial home at Aurangabad. According to the respondent No.2, as she was ill-treated; as the applicants had suppressed the applicant No.1's earlier marriage; and as her gold jewellery was taken by the applicants, she lodged the aforesaid C.R. 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 Additional Chief Metropolitan Magistrate, 53rd Court, Mulund, Mumbai, bearing C.C. No.516/PW/2015.

5. In the interregnum, during the pendency of the aforesaid proceeding, the parties amicably settled their dispute. We are informed that the respondent No.2, since 2016 has started residing with the applicant No.1.

6. Learned Counsel for the respondent No.2 has tendered the consent affidavit of the respondent No.2 dated 23rd November 2022, duly affirmed before the Assistant Registrar, High Court, Appellate Side. To the said affidavit is annexed a self attested photocopy of the aadhar card of the respondent No. 2. The said consent affidavit is taken on record. In the said affidavit, the respondent No.2 has stated that she has amicably settled the dispute and that she is residing with her husband i.e. the applicant No.1 at Aurangabad and that her relations with her in-laws are good. She has also given her no objection to the quashing of the aforesaid proceeding. Respondent No. 2 is present in Court. On being questioned, she re-iterates what she has stated in her affidavit i.e. she is staying with her husband i.e. the applicant No.1 at Aurangabad since 2016. Learned Counsel for the respondent No.2 has identified the respondent No.2 and the learned APP has also verified the original aadhar card of the respondent No.2.

7. Considering the aforesaid, the relations between the parties, the fact, that the parties have reconciled i.e. the applicant No.1 and the respondent No.2 are started residing together, the consent affidavit of the respondent No.2 and having regard to the judicial pronouncements in this regard, there is no impediment in allowing the application.

8. The application is accordingly allowed and the FIR bearing C.R. No. 57 of 2015 registered with the Kanjurmarg Police Station, Mumbai, is quashed and set aside and consequently, the proceeding pending before the learned Additional Chief Metropolitan Magistrate, 53rd Court, Mulund, Mumbai, bearing C.C. No.516/PW/2015, is also quashed and set-aside.

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

10. Learned Counsel for the respondent No.2 to file his Vakalatnama, if not filed, on behalf of the said respondent, in the registry, within two weeks of uploading of this order.

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

R. N. LADDHA, J.

REVATI MOHITE DERE, J.