

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1320 OF 2021

Talminder Singh Paramjit Singh Bhola and Ors. ... Applicants
Vs.
State of Maharashtra And Anr. ... Respondents

Mr. Dheeraj Panchange, for the Applicants.
Mr. K. V. Saste, Public Prosecutor for Respondent No.1-State.
Mr. Deepak L. Mishra, for Respondent No.2.

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

DATE : 9 MARCH 2022

PC. :

. The Petitioner No.1 and Respondent No.2 are husband and wife respectively. Both married on 01.01.2017 and resided at Kharghar. Their in laws were also residing with them. Petitioner No.3 Prakashkaur is mother in law, whereas Petitioner No.4 Paramjeetsing is father in law. There were differences in between the spouses. Petitioner No.1 was expecting sexual relation with Respondent No.2 against her wish and in unnatural

way. Since 23/07/2017 both are residing separately. It resulted into filing of complaint by Devinder Kaur Respondent No.2. Kharghar Police Station have registered an offence punishable under Sections 377, 498-A, 323, 325, 504, 506 read with 34 of IPC. Completion of investigation the Police have charge sheet in the Court of JMFC, Panvel and Prakash Kaur is shown as wanted accused.

2. There were also other cases in between the parties including divorce petition, maintenance Petition and domestic violence case. However, during pendency of these proceedings, mutual consent divorce Petition No.698 of 2021 is filed before the Court of Civil Judge Senior Division Kalyan. Its copy and affidavit filed by Petitioner Talminder in that proceedings are filed on record. The Petitioner No.1 has agreed to pay Rs.20,00,000/- to Respondent No.2 in installment and stage wise other terms are also mentioned in the divorce Petition. Respondent No.2 has shown readiness to quash this proceeding.

She has also filed an affidavit in support of settlement and quashing. Though there is allegation of an offence under Section 377 of IPC, considering the future of both the parties, the charge sheet needs to be quashed.

3. Considering the relationship, it is in the interest of both the parties not to continue the proceedings. But if the proceedings is quashed, it will bring an end to matrimonial discord. So case for quashing is made out. Hence this order.

ORDER

- a) The Criminal Application No.1320 of 2021 is allowed.
- b) The F.I.R. bearing No.0289 of 2018 dated 4.8.2018 registered at Kharghar Police Station, Raigad under Sections 377, 498-A, 323, 325, 506, 504, read with 34 of the IPC and RCC No.144 of 2019 pending in the Court of Panvel are quashed and aside.

(S.M. MODAK, J.)

(PRASANNA B. VARALE, J.)