

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

CRIMINAL WRIT PETITION NO. 4829 OF 2019

Rohan Tatyaba Bhor & Ors.

...Petitioners

Versus

Namrata Rohan Bhor & Ors.

...Respondents

...

Mr. Sanjiv Sawant i/by Mr. Abhishek Deshmukh & Mr. R. V. Pawar
for petitioner.

Mr. Sandeep M. Pathak for Respondent No.1.

Respondent No.1 with her mother present in the court.

Mr. Y. M. Nakhwa, APP for Respondent/State.

...

**CORAM : S. S. SHINDE &
MILIND N. JADHAV, JJ.**

DATE : 13th JUNE, 2022

P.C.:

1. Rule. Rule made returnable forthwith and heard
with the consent of learned counsel appearing for the parties.

2. Mr. Sawant, learned counsel appearing for the
petitioner has tendered across the bar consent terms which are
taken on record and marked 'X' for identification.

3. It is jointly submitted by the learned counsel appearing
for the petitioner and 1st respondent that the parties have
amicably settled the disputes. Petitioner no.1 is the husband of

the respondent No.1. Petitioner no.1 and 1st respondent have agreed to file consent terms for the decree of divorce by mutual consent in the pending Hindu Marriage Petition No. 732 of 2020 filed by the petitioner No.1 - Rohan before the Civil Judge Senior Division, Pune. The learned counsel appearing for both the parties have no objection to expedite the proceedings which are pending before the Civil Judge Senior Division Pune.

4. The 1st respondent and her mother are present before the Court. We have interacted with 1st respondent. On a specific query put to respondent No.1, she stated that there is settlement between herself and petitioners and she has signed the consent terms voluntarily with her free will without undue influence and coercion. The consent terms are also signed by the petitioners. Parties are identified by the advocates appearing for the respective parties. Affidavit of the respective parties are placed on record.

5. Since, the parties have amicably settled the dispute, no fruitful purpose will be served by continuing further proceeding arising out of FIR No. 285 of 2018 registered with MIDC, Bhosari Police Station for the offences punishable under Sections 498A, 376(n), 377, 323, 504, 506(1), 354-C, 354B, 43B, 66 read with 34

of the Indian Penal Code and continuing said proceedings would be an exercise in futility in as much as the 1st respondent is not going to support case of the prosecution. In view of the above, petition deserves to be allowed.

6. In that view of the matter, the proceeding arising out of FIR No. 285 of 2018 pending before the Pimpri Court, Pune stands quashed and set aside. The Writ Petition is allowed in terms of prayer clause (a), which reads as under:-

“(a) That this Hon’ble Court be pleased to pass appropriate orders thereby quashing and setting aside the impugned the FIR No. 285 of 2018 registered with MIDC, Bhosari Police Station, Pimpri Chinchwad City under Section 498A, 376(N), 377, 323, 504, 506(1), 354-C, 354B, 43B, 66 read with 34 of I.P.C. and the CC No. 867 of 2018 filed in the Pimpri Court, Pune and lodge FIR against the Respondent No.1 for misleading the Police Authorities to lodge false FIR bearing No. 285 of 2019 and CC No. 867 of 2018;”

7. Rule made absolute in above terms. The writ petition stands disposed of.

8. We direct parties to extend full co-operation to the Civil Judge Senior Division, Pune for early disposal of the proceeding Pending before the said Court. The Civil Judge Senior Division, Pune shall expedite the proceeding and decide the same as

expeditiously as possible however, within a period of eight weeks from today.

(MILIND N. JADHAV, J.)

(S. S. SHINDE, J.)