

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3831 OF 2022

1. Bhagyashree Uday Kulkarni
 2. Uday Sadashiv Kulkarni
 3. Lalit Uday Kulkarni
 4. Suvarna Uday Kulkarni
- ...Petitioners

Versus

1. The State of Maharashtra
 2. Sumukh Sanjay Barve
- ...Respondents

Mrs. Seema Sarnaik a/w Ms. Sangeeta Salvi for the Petitioners.

Mr. Sagar Ambedkar for the Respondent No.2.

Mr. J.P.Yagnik, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE &
R. N. LADDHA, JJ.
DATE : 1st DECEMBER, 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. Ambedkar waives notice on behalf of the respondent No.2.

3. Vide order dated 21st October, 2022, we appointed Dr. Justice Shalini Phansalkar-Joshi (Retd), as a Mediator as the parties had agreed to go in for mediation. Pursuant thereto, the parties appeared before the Mediator and as such, amicably settled their dispute. The Mediator has submitted her report dated 25th November, 2022. To the said report, is annexed the terms of settlement entered into between the petitioner No.1 and the respondent No.2, duly signed by them.

4. By this petition, the petitioners seek quashing of the FIR, bearing C.R. No. 961 of 2022 registered with the Hinjewadi Police Station, Pune, for the alleged offences punishable under Sections 417, 384, 120B r/w 34 of the Indian Penal Code.

5. The petitioner No.1 and the respondent No.2 got married as per the Hindu rites and rituals, on 25th April, 2021, at Mumbai. The petitioner No.1 is the wife of the respondent No.2, petitioner No. 2 and 4 are the in-laws, petitioner No.3 is the brother-in-law of the respondent No.2. It appears that as there was marital discord, the respondent No.2 lodged the aforesaid FIR, as against the petitioners alleging the aforesaid offences. Admittedly, chargesheet has not been filed in the said C.R.

6. The Consent Terms entered between the parties, has been annexed by the learned Mediator to her report dated 25th November, 2022. It appears that both the parties have unconditionally withdrawn all the allegations made by them as against each other and their respective family members. They have also agreed that they will have no claim of whatsoever nature as against each other and their respective family members. There are several other terms set out in the Consent Terms, to which both parties have agreed and undertaken

to comply.

7. Today, learned Counsel for the respondent No.2 has tendered an affidavit of the respondent No.2 dated 30th November, 2022, duly affirmed before the Notary. To the said affidavit, is annexed a photocopy of the Aadhar Card of the respondent No.2, duly signed by him. The said affidavit is taken on record. In the said affidavit, the respondent No.2 has stated that the dispute has been amicably settled through mediation and that Consent Terms have been entered into between the parties before the learned Mediator. In view of the settlement, the respondent No.2 has stated that he has no objection to the quashing of the said FIR/proceeding, registered at his behest.

8. The respondent No.2 is present in person. On questioning, he re-iterates what is stated by him in his affidavit. The respondent No.2 has been identified by his Counsel. The original Aadhar Card of the respondent No.2 is verified by the learned APP.

9. Considering the nature of dispute, the relations between the parties, the amicable settlement between the parties, the Consent Terms entered into between them, the affidavit of the respondent No.2 and the judicial pronouncements of the Apex Court in the case of *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 petition.

10. The petition is accordingly allowed and the FIR bearing C.R. No. 961 of 2022 registered with the Hinjewadi Police Station, Pune, is quashed and set-aside.

11. Rule is made absolute in the aforesaid terms. Petition is disposed of accordingly.

12. 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.

¹ (2012) 10 SCC 303

² (2014) 6 SCC 466

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

R. N. LADDHA, J.

REVATI MOHITE DERE, J.