

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

CRIMINAL WRIT PETITION NO. 6465 OF 2021

1. Dinakar Devappa Jadhav

2. Nanda Dinkar Jadhav

3. Sangram Dinkar Jadhav

...Petitioners

Versus

1. The State of Maharashtra

2. Gayatri Sangram Jadhav

...Respondents

Mr. Kishor Ajetrao for the Petitioners

Mrs. A. S. Pai, P.P a/w Ms. M. H. Mhatre, A.P.P for the Respondent
No.1-State

Mr. Utkarsh Desai i/b Mr. Tukaram S. Shengde 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. Desai waives notice on behalf of the respondent No.2.

3 By this petition, the petitioners seek quashing of the FIR registered vide C.R. No. 273/2021 with the Palus Police Station, Sangli, for the alleged offences punishable under Sections 498A, 504, 506 r/w 34 of the Indian Penal Code and Sections 3(1)(r) and 3(1)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act. Quashing is sought on the premise that the parties have amicably settled their dispute and that the petitioner No. 3 and the respondent No. 2 have started residing together.

4 Perused the papers. The petitioner Nos. 1 and 2 are the in-laws of the respondent No. 2 and the petitioner No. 3 is the husband of respondent No. 2. It appears that the petitioner No. 3 and the respondent No. 2 got married in 2015 at Narsingwadi, Kolhapur. It was a love marriage. After marriage, the respondent No. 2 and petitioner No. 3 started living together. Since the

respondent No. 2 belonged to Hindu-Mang (Scheduled Tribe) and the petitioners, Hindu-Maratha, according to the respondent No. 2, when she visited the petitioners' house on 4th February 2021, petitioner Nos. 1 and 2 restrained her from entering their house and abused her. The petitioner No. 3 is also alleged to have abused the respondent No. 2. Pursuant to the harassment meted out by the petitioners, the respondent No. 2 lodged the aforesaid CR as against the petitioners. We are informed that till date, charge-sheet has not been filed.

5 Pending the aforesaid complaint, the parties amicably settled their dispute and started residing together and as such, have been cohabiting since October 2021. Accordingly the aforesaid petition has been filed by the petitioners, seeking quashing of the aforesaid C.R, with the consent of the respondent No. 2.

6 Learned counsel for the respondent No. 2 states that the respondent No. 2 has filed her affidavit dated 28th October 2021 duly notarized before a Notary, in the Registry, however, the

said original affidavit is not placed by the Registry on record and hence, learned counsel for the respondent No. 2 has tendered a xerox copy of the said affidavit filed by the respondent No. 2. The same is taken on record. In the said affidavit, the respondent No. 2 has stated that she has started residing with the petitioners and that she has no complaint against them and that she wants to live a peaceful married life with the petitioner.

7 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 affidavit and states that she has no grievance against the petitioners and that she is happily residing with them for the last one year.

8 The petitioner No. 3 is present in Court and assures to treat the respondent No. 2 properly and assures to take proper care of her.

9 Considering the relations between the parties, the settlement arrived at between the parties, the fact that the parties have resumed cohabitation and in view of the consent affidavit of the respondent No. 2 and having regard to the judicial pronouncements in this regard 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 petition.

10 The petition is accordingly allowed. The FIR bearing C.R. No. 273/2021 registered with the Palus Police Station, Palus, Sangli, as against the petitioners and consequently the proceedings arising therefrom, if any, are quashed and set-aside.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

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

12 Registry to ensure that the original affidavit filed by the respondent No.2 is placed on record in the aforesaid proceeding.

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

S. M. MODAK, J.

REVATI MOHITE DERE, J.