

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

WRIT PETITION NO. 5458 OF 2019

Sadanand Alias Shriram Tanaji Nawale ...Petitioner

Versus

The State of Maharashtra & Anr. ...Respondents

Mr. Vilas Babanrao Tapkir for the Petitioner.
Mr. Shivdas M. More for Respondent No. 2.
Ms. Sangeeta D. Shinde, APP for the Respondent-State.
Ms. Pranoti S. Nawale Respondent No.2 present.

**CORAM : PRASANNA B. VARALE AND
SURENDRA P. TAVADE, JJ.**

DATE : 17th FEBRUARY, 2022.

P.C.:

. Heard learned Counsel for the Petitioner, Respondent No. 2 and the learned APP for the Respondent-State.

2. The Petitioner has filed the present petition for seeking quashment of FIR No. 260 of 2019 registered with Ranjangaon MIDC Police Station, for the offence punishable under Section 420 of Indian Penal Code against the Petitioner.

3. The facts giving rise to the present petition can be summarized as follows:

The Petitioner is a husband of Respondent No. 2. The marriage between Petitioner and Respondent No. 2 was solemnized on 15th February, 2019. At the the time of settlement of marriage, the Petitioner disclosed that he completed his Graduation in Science. Respondent No. 2 completed her Graduation in Science with first class. After marriage, Respondent No.2 asked to the Petitioner about his percentage in B.S.C., he disclosed that he has studied upto 12th Standard only. It is alleged that the Petitioner has given false information regarding his education qualification. Therefore, Respondent No. 2 felt cheated and she lodged FIR against him. Respondent No. 2 has also filed an FIR No. 206 of 2019 for the offence punishable under Sections 498-A, 323, 504, 506 r/w 34 of Indian Penal Code against the Petitioner.

4. It appears that Respondent No. 2 has also filed Marriage Petition No. 1261 of 2020 before learned Civil Judge, Senior Division, Vadgaon Maval, Dist- Pune. In the said petition the parties have amicably settled their dispute and have filed the consent terms. It is contended that the parties have decided to settle their dispute once for all, accordingly the divorce petition was allowed and the marital ties between the Petitioner and Respondent No. 2 has been severed. The consent terms of settlement have been accepted by both the parties. Respondent No. 2 has filed affidavit-in-reply at Page No. 45 of the petition, wherein she categorically stated that she has no objection for

quashing FIR No. 260 of 2019 registered with Ranjangaon MIDC Police Station. It is stated that the parties have settled their dispute amicably and they have decided to withdraw all the cases filed by them against each other.

5. In view of the above facts, we are of the opinion that the continuation of the proceedings against the Petitioner would be nothing but an act of futility and no purpose would be served by keeping the proceeding pending before the Court.

6. Learned Counsel for the Petitioner relied on the observation of the Apex Court in the case of **Gian Singh V/s. State of Punjab & Anr., reported in 2012(10) SCC 303.**

7. Considering the above facts, we are of the opinion that the learned Counsel for the Petitioner made out a case for allowing the petition. Accordingly, the petition is allowed in terms of prayer clause (a) and disposed of accordingly.

(SURENDRA P. TAVADE, J.)

(PRASANNA B. VARALE, J.)