

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.136 OF 2023**

1. Aniket Sanjeev Gaigawal	]	
2. Kalpana Sanjeev Gaigawal	]	
3. Sanjeev Waman Gaigawal	]	Applicants
Vs.		
1. State of Maharashtra	]	
2. Monali Aniket Gaigawal	]	Respondents

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Mr. Ajinkya Udane, for Applicants.

Mr. Y.M. Nakhwa, A.P.P, for Respondent No.1 -State.

Mr. Mrunal Surana i/b Mr. Vaibhav Kulkarni, for Respondent No.2.

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**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, J.J.**

DATE : 7th February, 2023.

P.C.

1. Heard learned Counsel for the parties.
2. Rule. Rule is made returnable forthwith, with the consent of the parties and the application is taken up for final disposal.

Learned A.P.P waives notice on behalf of the respondent No.1-State and Mr. Surana, learned Counsel waives notice on behalf of the respondent No.2.

3. By this application, preferred under section 482 of the Code of Criminal Procedure, 1973 (for short "Cr. P.C"), the applicants seek quashing of the First Information Report (For short "F.I.R") registered vide C.R. No.724 of 2021 with the Hinjawadi Police Station, Pimpri-Chinchwad, Pune, for the alleged offences punishable under sections 498-A, 323, 325, 504, 506 r/w 34 of the Indian Penal Code (for short "I.P.C") and consequently, the proceeding pending before the learned Judicial Magistrate First Class, Pune being R.C.C NO.1329 of 2022. Quashing is sought on the premise, that the parties have amicably settled their dispute.

4. Perused the papers. Applicant No.1 is the husband of the respondent No.2. Applicants No.2 and 3 are the mother-in-law and father-in-law respectively of the respondent No.2. It appears that the applicant No.1 and the respondent No.2 got married on 10th May, 2018, pursuant to which, the respondent No.2 started residing in her matrimonial home. As there was marital discord between the

parties, the respondent No.2 lodged the aforesaid F.I.R as against the applicants, alleging the aforesaid offences.

5. In the interregnum, during the pendency of the aforesaid application, the parties amicably settled their dispute and decided to put a quietus to the same.

6. It appears that the respondent No.2 is desirous of resuming cohabitation with the applicant No.1 and as such, wants to put a quietus to the dispute. Learned Counsel for the respondent No.2 has tendered an affidavit of the respondent No.2 dated 24th January, 2023 duly affirmed before the Assistant Registrar High Court, Appellate Side, Bombay. To the said affidavit, is annexed a photo copy of the Aadhar Card of the respondent No.2, duly attested by her. The same are taken on record. In the said affidavit, the respondent No.2 has stated that she and the applicant No.1 have resolved their dispute and have decided to reside together and thus, she has no grievance against the applicants. She has further stated that she has no objection to the quashing of the FIR/proceeding initiated at her behest. Respondent No.2 is present in person. On being questioned, the respondent No.2 reiterates

what is stated by her in her affidavit. Learned Counsel for the respondent No.2 has identified her. Learned A.P.P has verified the original Aadhar Card of the respondent No.2.

7. Considering the nature of dispute, the amicable settlement between the parties, the affidavit of the respondent No.2 and having regard to the judicial pronouncements of the Apex Court in the cases of **Gian Singh Vs. State of Punjab and another**¹ and **Narinder Singh and others Vs. State of Punjab and another**², there is no impediment in allowing the application.

8. The application is accordingly allowed. The F.I.R bearing No.724 of 2021 registered with the Hinjewadi Police Station, Pimpri-Chinchwad, Pune as against the applicants and consequently, the proceeding pending before the learned Judicial Magistrate First Class, Pune, being R.C.C No.1329 of 2022, are quashed and set aside.

9. Rule is made absolute in the aforesaid terms. Application is disposed of accordingly.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

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

[PRITHVIRAJ K. CHAVAN, J.] [REVATI MOHITE DERE, J.]