

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

**CRIMINAL WRIT PETITION NO. 542 of 2020**

Aniket Gautam Kamble and Ors. ...Petitioners

Versus

The State of Maharashtra and Anr. ...Respondents

Mr. Amey Shivalkar i/by Hulyalkar & Associate, Advocate for Petitioner.

Mr. Sachin B. Chandan a/w Ms. Minal Chate, Advocate for Respondent No.2.

Mrs. Geeta P. Mulekar, APP for Respondent – State.

**CORAM : A.S. GADKARI AND  
PRAKASH D. NAIK, JJ.**

**DATE : 30<sup>th</sup> MARCH, 2023.**

**P.C. :-**

1. Petitioners are arraigned as accused in C.R. No.786 of 2019 registered with Kondhwa Police Station on 24<sup>th</sup> September, 2019 at the behest of Respondent No.2 for offences under Sections 498-A, 352, 504, 506 r/w 34 of Indian Penal Code (for short 'IPC').

2. Petitioner No.1 is the husband, Petitioner No.2 is the father-in-law, Petitioner No.3 is mother-in-law of Respondent No.2 and Petitioner Nos.4 to 10 are relatives of Petitioner No.2.

3. The marriage between Respondent No.2 and Petitioner No.1 was solemnized on 1<sup>st</sup> July, 2013. The complainant was illtreated by the accused. There was demand of money. She was

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taunted and abused. There was physical and mental cruelty. On completing investigation charge-sheet was filed and the proceedings were numbered as C.C. No.668 of 2020 which are pending in the Court learned J.M.F.C., Cantonment Court, Pune.

4. The common ground urged by both sides is that, the proceedings be quashed with the consent of Respondent No.2 as the parties have amicably settled the disputes. Petitioner No.1 and Respondent No.2 filed Petition viz. P A. No. 817 of 2020 under Section 28 of Special Marriage Act, 1954 for divorce by mutual consent before the Family Court at Pune. Decree of divorce has been passed by the Court. The Respondent No.2 filed her affidavit in the said proceedings and gave an undertaking that, she would withdraw the proceedings in R.C.C. No.668 of 2020 pending before the Court of learned J.M.F.C., Cantonment Court, Pune.

5. The Respondent No.2 has filed affidavit dated 30<sup>th</sup> March, 2023 in this proceedings and stated that, in view of amicable settlement, she withdraws all allegations made in the FIR registered vide C.R. No.786 of 2019 with Kondhwa Police Station. She has no objection for allowing prayers in this Petition. The affidavit is taken on record. The Respondent No.2/complainant is present in the Court. She has confirmed the terms of settlement

and contents of affidavit and reiterated her consent for quashing the proceedings.

6. We have perused the affidavit filed by Respondent No.2, the decree of divorce passed by Family Court, the settlement terms filed before the Family Court and considering these documents and the submissions of both sides, we are inclined to allow this Petition.

**ORDER**

- i. Criminal Writ Petition No.542 of 2020 is allowed.
- ii. Proceedings in C.C. No.668 of 2020 pending in the Court of learned J.M.F.C., Cantonment Court, Pune arising out of C.R. No.786 of 2019 registered with Kondhwa Police Station Pune are quashed and set aside.

**[PRAKASH D. NAIK, J.]**

**[A.S. GADKARI, J.]**