

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1963 OF 2022****IN****CRIMINAL APPLICATION (ALP) NO. 115 OF 2022**

Datta Mahadu Kangule And Anr ...Petitioner/Applicant

Versus

Aishwarya Datta Kangule And Anr ...Respondents

Mr. Sachin Kankal, for Petitioner.

Mr. Vishal Shirsat a/w Nitin S. Markute for Respondent No.1.

Mrs. G. P. Mulekar, APP for Respondent-State.

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

**DATE : 16<sup>th</sup> MARCH, 2023.**

**P.C.:-**

1. Rule. Rule made returnable forthwith and by consent of parties taken up for hearing.
2. By the present Petition filed under Article 226 of the Constitution of India, the Petitioners i.e. Petitioner No.1 husband and Petitioner Nos.2 to 8 in-laws of Respondent No.1 have prayed for quashing of FIR No. 22 of 2022 registered with Narayangaon Police Station Pune (Rural) under Sections 498-A, 323, 504 and 507 of the Indian Penal Code, 1860 dated 7<sup>th</sup> February 2022.
3. Record indicates that, Respondent No.1 has filed Affidavit dated 26<sup>th</sup> August 2022 duly affirmed before the Assistant Registrar of this Court. Her

signature has been identified by her Advocate on record namely Mr.Vishal Shirsat. In paragraph 2 of the said affidavit, she has stated that, she has decided to obtain divorce by mutual consent and has filed Petition for divorce by mutual consent in the District Court at Pune. In paragraph 3 of the said affidavit, she has stated that, she has no objection to quash and set aside the present FIR No. 22 of 2022 under Sections 498-A, 323, 504 and 507 of IPC registered with Narayangaon Police Station, Pune (Rural).

4. Learned Advocate for Respondent No.1 reiterates that, Respondent No.1 has affirmed the said affidavit.

5. In view thereof, we quash and set aside the F.I.R. No.22 of 2022 dated 7<sup>th</sup> February 2022 registered with Narayangaon Police Station, Pune (Rural) under Sections 498-A, 323, 504 and 507 of IPC.

6. Petition is accordingly allowed in terms of prayer Clause (a).

**(PRAKASH D. NAIK, J.)**

**(A. S. GADKARI, J.)**