



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

CRIMINAL WRIT PETITION NO. 414 OF 2021

Mr. Vineet Vinayak Deshmukh and ors. Petitioners
v/s.
The State of Maharashtra and anr. Respondents

Mr. Rohit Mahadik i/b. Khandeparkar and Associates for the
Petitioners.

Mr. Ajay Patil, APP for the State.

Ms. Shilpa Pawar for Respondent No.2.

Ms. Namita Deshmukh, Respondent No.2 present.

**CORAM: SMT. ANUJA PRABHUDESSAI AND
N.R. BORKAR, JJ.**

DATED : 25th SEPTEMBER, 2023.

P. C. :-

. This is a Petition under Article 226 of the Constitution of India to
quash FIR No.241/2019 registered with Alankar Police Station, Pune
for offence punishable under section 498-A r/w. 34 of the Indian Penal
Code.

2. The marriage of the Respondent No.2 and the Petitioner No.1 was
solemnized on 04/05/2018. The Respondent No.2 lodged the FIR on
29/11/2019 alleging that the Petitioners herein i.e., her husband and
his family members had subjected her to cruelty.

3. By order dated 23/07/2020, this Court had directed the Investigating Officer not to file charge sheet without prior permission of the Court. Further, considering the fact that the offence was arising from matrimonial dispute, this Court by order dated 20/03/2023 referred the parties for mediation. The mediator has submitted the report stating that the matter has been amicably settled between the parties. The consent terms are placed on record. A perusal of the consent terms reveal that both the parties have agreed to resolve the dispute amicably. Under the said terms, the Respondent No.2 has agreed to withdraw other petitions/applications pending before the Magistrate and the Family Court.

4. The Respondent No.2 who is present before the Court has confirmed the contents of the consent terms dated 21/07/2023 which were signed before the Mediator. She further admits having received Rs.6,40,000/- from the Petitioner No.1 towards full and final settlement of the dispute. In view of the settlement, she has no objection to quash the FIR No.241/2019 registered with Alankar Police Station, Pune.

5. In *Jitendra Raghuvanshi and ors. v/s. Babita Raghuvanshi and anr. (2013) 4 SCC 58*, the Apex Court has observed that it is the duty of the Courts to encourage genuine settlements of matrimonial dispute. It is held that every effort should be made in the interest of the individuals in order to enable them to settle down in life and live peacefully. If the parties ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law, in order to do complete justice in the matrimonial matters, the Courts should be less hesitant in exercising its extraordinary jurisdiction.

6. In *Rangappa Javoor v/s. State of Karnataka AIR ONLINE 2023 SC 506*, the Apex Court has reiterated that in cases of offences relating to matrimonial disputes, if the Court is satisfied that the parties have genuinely settled the disputes amicably, then for the purpose of securing the ends of justice, criminal proceedings inter-se parties can be quashed by exercising the powers under Article 142 of the Constitution of India or even under section 482 of Code of Criminal Procedure.

7. The matter is arising from matrimonial dispute and both parties have agreed to settle their dispute and move on with their life peacefully. In our considered view, the settlement is voluntary and genuine. Hence, this is a fit case to exercise powers under section 226 of the Constitution of India to quash the FIR No.241/2019 to secure the ends of justice.

8. Hence the Petition is allowed in terms of prayer clause (a). The FIR No.241/2019 registered with Alankar Police Station, Pune for offence punishable under sections 498-A r/w. 34 of the Indian Penal Code, stands quashed.

9. Writ Petition is disposed of in above terms.

(N.R. BORKAR, J.)

(SMT. ANUJA PRABHUDESSAI, J.)