

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

WRIT PETITION NO.3298 OF 2022

1. Vishal Balasaheb Awad
Age : 38 years; Occupation : Service,
2. Amol Balasaheb Awad
Age : 41 years; Occupation : Service
3. Mangal Balasaheb Awad
Age 62 years; Occupation :Homemaker,
Peitioner Nos.1-3 residing at
A/58, Shivajinagar Police Colony,
Near Modern College, Shivajinagar,
Pune -411 005.
4. Ankita Mahendra Gaikwad
Age 39 years; Occupation :Service
R/at :104, 1, Wing, Brodwalk,
Axis, Space, Laproman D Mohili,
Gaelegon, Mohone, Kalyan ... Petitioners.

Versus

1. The State of Maharashtra
Through Shivajinagar Police
Station, District-Pune.
- 2.Chitra Awad @ Chitra Sahebrao Veer
Age :27 years, Occ: Homemaker,
R/at : C/o. Sahebrao Nana Veer,
Janta Vasahat, Parvati Paitha,

Behind PMC School, Pune-411009. ... Respondents

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Ms Priyanka Chavan, Advocate for the Petitioners.

Smt.G.P. Mulekar, APP for Respondent No.1.

Ms Grishma N. Lad, Advocate for Respondent No.2.

...

**CORAM : NITIN W. SAMBRE &
R. N. LADDHA, JJ.**

DATE : 1 FEBRUARY 2023.

ORDER (Per R. N. Laddha, J.) :

Heard learned Counsel, for the parties.

2. Rule. The Rule is made returnable forthwith with the consent of and at the request of the learned Counsel for the parties.

3. By this petition, the petitioners seek to quash FIR No. 45 of 2015, lodged with Shivaji Nagar Police Station, Pune, at the instance of Respondent No.2/Original Complainant, for the alleged offences punishable under Section 498-A r/w Section 34 of the Indian Penal Code and Section 3 of the Protection of Women from Domestic Violence Act, 2005. Quashing is sought on the premise that the parties have amicably settled their dispute and that Respondent No.2 has no objection to the quashing of the impugned FIR.

4. Perused the papers. Petitioner No.1 is the husband of Respondent No.2. Petitioner No.2 is the brother, Petitioner No.3 is the mother, and Petitioner No.4 is the sister of Petitioner No.1. After marriage, Respondent No.2 started residing at her matrimonial home. Since marital discord/differences post-marriage, Respondent No.2 lodged the FIR described above, vide C.R.No.45 of 2015, at Shivaji Nagar Police Station, Pune, against the Petitioners. Allegations of ill-treatment and demand for dowry were made.

5. The learned Counsel for the Petitioners and Respondent No.2 jointly stated that the dispute, which was a purely domestic dispute, has been amicably settled, and the parties entered into Consent Terms on 27.07.2022, filed in the Family Court Appeal No.34 of 2021, and a copy of which is annexed to this petition at Exhibit 'E'. They submitted that Petitioner No.1 and Respondent No.2 have decided to be separated and have mutually agreed to end their disputes. They submitted that the parties have agreed to withdraw all the allegations made against each other and their families. The parties assured that they will abide by the terms and conditions in the Consent Terms. Respondent No.2 also filed a consent Affidavit. Respondent No.2 states that she has no objection to quashing the impugned FIR. On questioning, she reiterates what is said by her in her Affidavit. Respondent No.2 has been identified by her Counsel. We are informed that in the impugned FIR No.45 of 2015, a charge sheet

has been filed vide RCC No.137 of 2017, pending before the learned Additional Chief Judicial Magistrate, Pune.

6. The learned APP for Respondent No.1 submits that appropriate orders may be passed.

7. The dispute being matrimonial, is a private dispute, and given the above referred facts and the judicial pronouncements of the Apex Court in *Gian Singh Vs. State of Punjab & Anr.*¹ And *Narinder Singh & Ors. Vs. State of Punjab & Anr.*², we see no impediments in allowing this petition. The petition is, accordingly, allowed, and the FIR No.45 of 2015, registered at Shivaji Nagar Police Station, Pune, against the Petitioners and the criminal proceedings arising out of the same, vide RCC No.137/2017, pending before the learned Additional Chief Judicial Magistrate, Pune, are hereby quashed and set aside.

8. The Rule is made absolute in the above terms. No costs.

R. N. LADDHA, J.

NITIN W. SAMBRE, J.

1 (2012)10 SCC 303

2 (2014) 6 SCC 466