

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1087 OF 2023

Ashwini Ashok Rathi and others ... Applicants

Versus

The State of Maharashtra and another ... Respondents

.....

Mr. Kamal Anandani alongwith Mr. Vinay Kumar instructed by Mr. Chirag Chanani for the Applicants.

Ms. M.M. Deshmukh, APP for the State.

Mr. V.D. Ruparelia for Respondent No.2.

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**CORAM : PRAKASH D. NAIK &
N.R. BORKAR, JJ.**

DATED : 5 DECEMBER 2023

P.C. :-

. The applicants preferred this application under Section 482 of Cr.P.C. seeking quashing of criminal proceedings in RCC No.253 of 2022 pending before the Court of Learned JMFC, Pune arising out of Crime No.429 of 2021 registered for the offence under Sections 498A, 323, 504, 506 r/w. 34 of Indian Penal Code.

2. Applicant No.1 is the husband, Applicant No.2 is father-in-law and the Applicant No.3 is mother-in-law of Respondent No.2. The FIR has been registered at the instance of Respondent No.2. Applicant No.1 and Respondent No.2 have filed the Petition for divorce by mutual consent before the Family Court at Akola. The parties have arrived at amicable settlement. The terms of settlement are reflected in the

Petition for divorce by mutual consent. Paragraph 7 of the said Petition refers to the terms agreed between the parties and also the consent for quashing the criminal prosecution which is subject matter of this Petition. Respondent No.2 has also filed the Affidavit-in-Reply stating that she is not interested in prosecuting the FIR lodged by her and the consequential proceedings initiated pursuant to the FIR.

3. Applicant No.1 and Respondent No.2 are present through video-conferencing. Respondent No.2 has confirmed the contents of the Affidavit and the consent terms and has indicated that she has no objection for quashing the criminal proceedings.

4. Considering the fact that the dispute was on account of matrimonial discord between the parties and since the parties have resolved to put an end to the proceedings amicably, there is no impediment in allowing the application and quash the charge-sheet.

ORDER

(i) Criminal Application No.1087 of 2023 is allowed.

(ii) Criminal proceedings in RCC No.253 of 2022 pending before the Court of Learned JMFC, Pune arising out of Crime No.429 of 2021 are quashed and set aside.

(N.R. BORKAR, J.)

(PRAKASH D. NAIK, J.)