

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

CRIMINAL APPLICATION NO.1051 OF 2022

- | | | |
|----|---------------------------|----------------|
| 1. | Abhishek Rajendra Mahale | |
| 2. | Rajendra Arun Mahale | |
| 3. | Mrunalini Rajendra Mahale | ...Applicants |
| | Versus | |
| 1. | The State of Maharashtra | |
| 2. | Ashwini Abhishek Mahale | ...Respondents |

Mr. Tamseel Anis Momin, for the Applicants.

Mr. J. P. Yagnik, A.P.P for the Respondent No.1 – State.

Mr. Abdul Wahab Shaikh i/b Mr. Mohit L. Ahuja, for the Respondent No.2.

***CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.***

DATE : 10th FEBRUARY 2023

P.C. :

1. Heard learned counsel for the parties.
2. Rule. Rule is made returnable forthwith, with the consent of the parties and is taken up for final disposal. Learned A.P.P waives notice on behalf of the respondent No.1–State. Mr. Shaikh waives

notice on behalf of the respondent No.2.

3. By this application, preferred under Section 482 of the Code of Criminal Procedure, the applicants seek quashing of the FIR bearing C.R. No.561 of 2019, registered with the Hinjewadi Police Station, Pune, for the alleged offences punishable under Sections 498A, 323, 324, 504 r/w 34 of the Indian Penal Code and consequently, the proceeding pending before the learned Judicial Magistrate First Class, Pune being No. R.C.C. No.3090 of 2019. Quashing is sought on the premise, that the parties have amicably settled their dispute.

4. Perused the papers. The applicant No.1 is the husband of the respondent No.2 and the applicant Nos.2 and 3, are the father-in-law and mother-in-law of the respondent No.2 respectively. It appears that the respondent No.2 and the applicant No.1 got married on 28th April 2018, after which the respondent No.2 started residing at her matrimonial home. As according to the respondent No.2, she was

allegedly ill-treated and harassed by the applicants, she lodged the aforesaid FIR, as against the applicants, alleging the aforesaid offences. After investigation, charge-sheet was filed in the said case and the case is presently pending before the learned Judicial Magistrate First Class, Pune being No. R.C.C. No.3090 of 2019.

5. In the interregnum, during the pendency of the aforesaid proceeding, the parties amicably settled their dispute and the applicant No.1 and the respondent No.2 decided to resume cohabitation.

6. Learned counsel for the respondent No. 2 has filed an affidavit dated 21st January 2023, duly affirmed before the notary, which is at page 75 of the application. In the said affidavit, the respondent No.2 has stated that she has withdrawn all proceedings initiated by her as against the applicants before the D.V. Court. She has further stated that she has amicably settled the dispute with the applicants and that she is happily residing with the applicant No.1.

She has further stated that due to resumption of cohabitation, she has no grievance/complaint as against the applicants and as such has no objection to the quashing of the aforesaid FIR/proceeding, initiated at her behest. Respondent No. 2 is present in Court. On questioning, she re-iterates what is stated by her in her affidavit i.e. she is happily cohabiting with the applicant No.1. Learned counsel for the respondent No. 2 has tendered a self attested photocopy of the aadhar card of the respondent No. 2. The same is taken on record. Learned Counsel for the respondent No.2 has identified the respondent No.2 and the learned APP has verified the aadhar card of the respondent No.2.

7. Considering the nature of dispute, the relations between the parties, the amicable settlement between them, the affidavit of the respondent No.2 and having regard to the judicial pronouncements of the Apex Court in *Gian Singh vs. State of Punjab and Another*¹ and *Narinder Singh and Others vs. State of Punjab and Another*², there is

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

no impediment in allowing the application.

8. The application is accordingly allowed and the C.R. No.561 of 2019, registered with the Hinjewadi Police Station, Pune, and consequently, the proceeding pending before the learned Judicial Magistrate First Class, Pune being No. R.C.C. No.3090 of 2019, are quashed and set-aside.

9. Rule is made absolute in the aforesaid terms. Application is disposed of accordingly.

10. All concerned to act on the authenticated copy of this order.

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.