

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

CRIMINAL APPLICATION NO.1144 OF 2022

- | | | |
|----|--------------------------|----------------|
| 1. | Akash Padmakar Pargat | |
| 2. | Divya Padmakar Pargat | |
| 3. | Padmakar Laxman Pargat | |
| 4. | Jatin Padmakar Pargat | ...Applicants |
| | Versus | |
| 1. | The State of Maharashtra | |
| 2. | Payal Akash Pargat | ...Respondents |

Mr. Raviraj R. Paramane, for the Applicants.

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

Mr. Vaibhav Gaikwad, for the Respondent No.2.

Advocate Jaydeep Vaishampayan, is present through video-conferencing.

Mr. Akash Padmakar Pargat, Applicant No.1 in present through video-conferencing.

Ms. Payal Akash Pargat, Respondent No.2 in present through video-conferencing.

***CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.
DATE : 7th FEBRUARY 2023
(IN CHAMBERS)***

P.C. :

1. At the outset, learned counsel for the applicants seeks

leave to amend to correct the C.R. number and R.C.C. number in the cause-title and prayer clause of the application. Leave granted. Amendment to be carried out forthwith.

2. Heard learned counsel for the parties.

3. 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. Gaikwad waives notice on behalf of the respondent No.2.

4. By this application preferred under Section 482 of the Code of Criminal Procedure, the applicants seek quashing of the FIR bearing C.R. No.687 of 2019 registered with the Panchavati Police Station, Nashik, for the alleged offences punishable under Sections 498A, 323, 504, 506, 507 r/w 34 of the Indian Penal Code and consequently the proceeding pending before the learned Additional Chief Judicial Magistrate, Nashik, being R.C.C/1512/2020. Quashing

is sought on the premise, that the parties have amicably settled their dispute.

5. Perused the papers. The applicant No.1 is the husband of the respondent No.2, the applicant Nos.2 and 3, the mother-in-law and father-in-law and the applicant No.4, the brother-in-law of the respondent No.2 respectively. It appears that the respondent No.2 and the applicant No.1 got married on 2nd July 2017 at Nashik, as per Hindu rites and rituals, after which the respondent No.2 started residing at her matrimonial home. As according to the respondent No.2, she was ill-treated and harrassed by the applicants, she filed the aforesaid FIR as against them, alleging the aforesaid offences. After investigation, charge-sheet was filed in the said case and the case is presently pending before the learned Additional Chief Judicial Magistrate, Nashik, being R.C.C/1512/2020.

6. In the interregnum, during the pendency of the aforesaid proceeding, the parties amicably settled their dispute and decided to

put a quietus to their dispute. It appears that the applicant No.1 and the respondent No.2 had also filed a petition seeking divorce by mutual consent under Section 13B of the Hindu Marriage Act before the learned Judge, Family Court at Nashik. Pursuant thereto, the learned Judge passed a decree and as such granted divorce to the parties. Learned counsel for the parties have tendered a photocopy of the said order passed by the learned Judge, Family Court at Nashik dated 22nd November 2022. The same is taken on record.

7. Learned Counsel for the respondent No.2 has also tendered an affidavit of the respondent No.2 dated 29th November 2022, duly notarized before the Notary. In the said affidavit, the respondent No.2 has stated that she has no objection to the quashing of the FIR in view of the amicable settlement between her and the applicants. The said affidavit is taken on record. Respondent No. 2 is present before us through video-conferencing. On being questioned, she re-iterates what is stated by her in her affidavit. She states that she has received her streedhan and Rs.12 lakhs in accordance with the

consent terms entered into between them. She is identified by Advocate Mr. Jaydeep Vaishampayan, present before us through video-conferencing. 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.

8. Considering the nature of dispute, the amicable settlement between the parties, the affidavit filed by 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 no impediment in allowing the application.

9. The application is accordingly allowed and the FIR bearing C.R. No.687 of 2019 registered with the Panchavati Police Station, Nashik, and consequently the proceeding pending before the learned Additional Chief Judicial Magistrate, Nashik, being

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

R.C.C/1512/2020, are quashed and set-aside.

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

11. Learned Counsel for the respondent No.2 to file his Vakalatnama, if not filed, on behalf of the said respondent, in the registry, within two weeks of uploading of this order.

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.