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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION No. 1244 OF 2023**

Shantanu D. Pashankar ...Applicant
Versus
1. State of Maharashtra
2. Pooja Shantanu Pashankar
alias Pooja G. Thadani ...Respondents

Ms Chandni Sachade i/b Mr. Amol B. Jagtap for the Applicant.
Mr. S.V. Gavand, APP for the Respondent/State.
Ms Nikita Dharamshi a/w. Ms Shraddha Kadam i/b M/s. C.K.
Legal for the Respondent No.2.
Ms Pooja Pashankar, Respondent No.2 appeared through V.C.

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

DATE : 30 OCTOBER, 2023.

PC:-

1. The present application under Section 482 of Code of Criminal Procedure, 1973 is filed to quash First Information Report No.189 of 2018 dated 16 April 2018 registered at Hinjwadi Police Station, Pune for the offence punishable under Sections 380 and 498-A of the IPC and the criminal proceedings arising out of said FIR being R.C.C. No.4878 of 2018 pending on the file of 14th - 6th Joint Civil Judge Junior Division and J.M.F.C., Pune.

2. The aforesaid crime came to be registered against the applicant at the instance of respondent No.2/complainant. The

allegations against the applicant, who is husband of the respondent No.2, are *inter alia* of cruelty.

3. The quashing of FIR is sought on the ground that there has been an amicable settlement between the parties and respondent No.2 is no longer desirous of prosecuting the case in question.

4. The learned counsel for the applicant and respondent No.2 jointly submit that the parties have amicably settled their matrimonial dispute and filed the consent terms before this Court in Writ Petition No.10953 of 2019. It is submitted that this Court accepted the Consent Terms and has even passed the decree of divorce by mutual consent. It is submitted that no purpose would be served by keeping the prosecution alive, in view of the settlement arrived at between the parties. It is submitted that the present case is squarely covered by the law laid down by the Hon'ble Supreme Court in the case of ***Gian Singh Vs. State of Punjab & Anr.***¹.

5. The respondent No.2, who is identified by her Advocate Ms Nikita Dharamshi, is present before this Court through V.C. She confirms about the settlement arrived at with the applicant and the contents of the consent affidavit dated 9 September 2023 filed by her, wherein she has stated that she has no objection if the criminal case in question against the applicant is quashed.

1 (2012) 10 SCC 303

6. The Hon'ble Supreme Court in *Gian Singh (supra)* has held :

"But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim."

7. The main reason for filing of FIR by respondent No.2 appears to be matrimonial discord. The allegations are totally personal in nature. Even otherwise in view of the settlement between the parties, the respondent No.2 is not going to support the prosecution case. Thus, nothing fruitful will come out of the prosecution in question. The dictum in *Gian Singh's* case is squarely applicable to the facts and circumstances of the present case and thus application deserves to be allowed. Hence, the Application is allowed in terms of prayer clause (A).

8. The Application is disposed of.

(N.R. BORKAR, J.)

(NITIN W. SAMBRE, J.)