

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 6074 OF 2021

1. Sujit Maruti Asolkar
2. Suvarna Maruti Asolkar
3. Jayprakash Maruti Asolkar

...Petitioners

Versus

1. The State of Maharashtra
2. Vaijayanti Sujit Asolkar alias
Vaijayanti Vijay Dhuri

...Respondents

Mr. Eknath Dhokale, for the Petitioners.

Mr. J.P.Yagnik, A.P.P for the Respondent-State.

Mr. Satyaprakash Sharma, for the Respondent No.2.

CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.
DATE : 3rd MARCH, 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. Satyaprakash Sharma waives notice on behalf of the respondent No.2.

3. By this petition, preferred under Article 226 of the Constitution of India and Section 482 of the Code of Criminal Procedure, the petitioners seek quashing of the FIR bearing C.R. No. 462 of 2020, registered with the Kolsewadi Police Station, Kalyan, for the alleged offences punishable under Sections 498A, 323, 504 of the Indian Penal Code and consequently, the proceeding pending before the learned Judicial Magistrate, First Class, 5th Court, Kalyan, being R.C.C. No. 411 of 2020. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. Perused the papers. The petitioner No.1 is the husband of respondent No.2 and the petitioner Nos.2 and 3 are the mother-in-law and brother-in-law, respectively, of the respondent No.2. It appears that the petitioner No.1 and the respondent No.2 got married on 23rd June, 2018, after which, the respondent No.2 started residing in her matrimonial house. As according to the respondent No.2, she was

allegedly ill-treated and harassed, she left the matrimonial house sometimes in July, 2019 and filed the aforesaid FIR as against the petitioners alleging the aforesaid offences. After investigation, chargesheet was filed in the said case.

5. In the interregnum, during the pendency of the aforesaid proceeding, we are informed that the Decree of Divorce was passed and that the petitioner No.1 and the respondent No.2's marriage has been dissolved by mutual consent. Learned Counsel for the respondent No.2 has tendered the Consent Terms entered into between the parties. The same is taken on record and marked as 'X'-for Identification. Learned Counsel for the respondent No.2 states that the respondent No.2 has filed her affidavit giving her no objection to the quashing of the aforesaid FIR and that the said affidavit is at page 54 of the petition. In the said affidavit, the respondent No.2 has stated that Decree of Divorce has been passed by mutual consent and that she wishes to withdraw all allegations made against the petitioners. It is also stated that she has no objection for quashing of the FIR.

6. The respondent No.2 is present in person. On questioning, she re-iterates what is stated by her in her affidavit. The respondent No.2 has been identified by her Counsel and the original Aadhar Card of the respondent No.2 is verified by the learned APP.

7. Considering the nature of dispute, the relations between the parties, the amicable settlement between them, the affidavit of the respondent No.2 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, , there is no impediment in allowing the petition.

8. The petition is accordingly allowed and the FIR bearing C.R. No. 462 of 2020, registered with the Kolsewadi Police Station, Kalyan, and consequently, the proceeding pending before the learned Judicial Judicial Magistrate, First, Class, 5th Court at Kalyan, being R.C.C. No. 411 of 2020, are quashed and set-aside.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

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

10. 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.

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.