

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1270 OF 2023

Yogesh Dattatray Magar ... Applicant

Versus

1. The State of Maharashtra

2. Mohini Yogesh Magar ... Respondents

WITH

CRIMINAL APPLICATION NO. 1277 OF 2023

1. Mohini Nandkumar Gaikwad

2. Ashu Nandkumar Gaikwad

3. Nandkumar Babanrao Gaikwad

4. Omkar Nandkumar Gaikwad

5. Abhimanyu Gopal Panchal ... Applicants

Versus

1. The State of Maharashtra

2. Yogesh Dattatray Magar ... Respondents

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Mr. Inayat Ali Qureshi i/b Zainab Qureshi for the Applicant in WP 1277 of 2023 and for Respondent No. 2 in WP 1270 of 2023.

Ms. Nikhita Mathuria for the Applicant in WP 1270 of 2023 and for Respondent No. 2 in WP 1277 of 2023.

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

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

DATED : 8.12.2023

P.C. :-

Both the applications are relating to the First Information Report lodged by the respective parties, which are sought to be quashed with consent of the complainant on the ground that

the parties have resolved their dispute.

2. Criminal Application No. 1270 of 2023 relates to the First Information Report registered with Chinchwad Police Station vide Crime No. 401 of 2018, on 22.12.2018, for offences under Sections 498-A, 406, 323, 504, 500 r/w 34 of the Indian Penal Code. The registration of FIR has culminated into filing of charge-sheet and the proceedings are pending before the Court of learned JMFC, Pimpri bearing RCC No. 396 of 2019. The FIR and the proceedings were initiated at the instance of respondent No. 2. The applicant in this application is the husband of respondent No. 2. The mother-in-law of respondent No. 2 was impleaded as an accused in the proceedings. However, the mother-in-law has expired.

3. Criminal Application No. 1277 of 2023 relates to the First Information Report registered with Chinchwad Police Station vide Crime No. 353 of 2019, on 6.10.2019, for offences under Sections 385, 406, 420, 495, 500, 504, 507, 506 r/w 34 of the Indian Penal Code. The FIR has been registered at the instance of respondent No. 2. In this application, the applicant Nos. 2 to 5 are family members of applicant No. 1, who is wife of the respondent No. 2. It is submitted that the parties have resolved

their differences and arrived at an amicable settlement. The respective FIRs may be quashed with consent of both the sides. The husband and wife has initiated the proceedings before the Family Court under Section 13(B) of the Hindu Marriage Act and executed the consent terms in the said proceedings.

4. The complainant in FIR No. 401 of 2018 has filed affidavit of consent indicating that she has no objection for quashing the impugned charge-sheet.

5. The consent terms executed between the parties are filed in the Family Court.

6. In Criminal Application No. 1277 of 2023, the original complainant (husband) has filed an affidavit indicating that there is amicable settlement between the parties and he has no objection for quashing the FIR and the charge-sheet in RCC No. 288 of 2021 pending before the Court of learned JMFC, Pimpri.

7. From the tenor of the respective FIR, it is apparent that the complaint has been filed on account of matrimonial dispute between them. They have resolved their differences. The

proceedings are initiated before the Family Court. The consent terms are executed. In view of settlement arrived between the parties, there is no impediment in allowing the applications and quashing and setting aside the charge-sheet.

ORDER

- (i) Writ Petition Nos. 1270 and 1277 of 2023 are allowed.
- (ii) The impugned proceedings in RCC No. 396 of 2019 pending before the Court of learned JMFC, Pimpri arising out of FIR No. 401 of 2018 registered with Chinchwad Police Station for offences under Sections 498-A, 406, 323, 504, 500 r/w 34 of the Indian Penal Code are quashed and set aside.
- (iii) The impugned proceedings in RCC No. 288 of 2021 pending before the Court of learned JMFC, Pimpri arising out of FIR No. 353 of 2019 registered with Chinchwad Police Station for offences under Sections 385, 406, 420, 495, 500, 504, 507, 506 r/w 34 of the Indian Penal Code are quashed and set aside.

(N.R. BORKAR, J.)

(PRAKASH D. NAIK, J.)