

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

**CRIMINAL APPLICATION NO.80 OF 2024
WITH
INTERIM APPLICATION (ST) NO.19986 OF 2024**

Prabhakar Mohan Jakkan & Ors. Applicants

versus

The State of Maharashtra & Anr. Respondents

.....

- Ms. Kirti Ahuja, appeared through VC, Advocate for Applicants.
- Mr. Ashish I. Satpute, APP for the State/Respondent.
- Mr. Rupesh K. Bobade, appointed advocate, for Respondent No.2.

**CORAM : SARANG V. KOTWAL &
DR. NEELA GOKHALE, JJ.
DATE : 15th OCTOBER, 2024**

P.C. :

1. This application is filed for quashing of the C.R.No.519/2019 dated 11/07/2019 registered with MIDC Police Station, Solapur City, u/s 504, 498-A, 323 r/w 34 of the Indian Penal Code. The investigation is over and the charge-sheet is filed. The case is pending before the learned Judicial Magistrate First Class, Solapur, vide R.C.C. No.890/2020. The Applicants have prayed for quashing of the entire proceedings.

MANUSHREE
NESARIKAR

Digitally signed by
MANUSHREE
NESARIKAR
Date: 2024.10.17
15:05:02 +0530

2. Heard Ms. Kirti Ahuja, learned counsel for the Applicants, Mr. Rupesh K. Bobade, learned counsel for the Respondent No.2 and Mr. Ashish I. Satpute, learned APP for the State.

3. The FIR is lodged by the Respondent No.2 herein. The Applicant No.1 is her husband. The Applicant Nos.2 and 3 are parents of the Applicant No.1. The Applicant Nos.4 and 5 are his married sisters. The FIR mentions that the informant got married with the Applicant No.1 on 09/02/2015. They have a daughter. She was residing separately from the Applicants since 3 months prior to the lodging of the FIR. The FIR mentions the ill-treatment caused to her particularly by the Applicant No.1. He used to abuse her and beat her under the influence of liquor. The other Applicants demanded monetary benefits and ornaments. When she delivered her daughter, the Applicants did not bother to visit the hospital to see the newly born child. On these allegations, the FIR is lodged.

4. The dispute was referred for mediation and the mediation was successful. The parties have amicably settled their dispute. The Respondent No.2 has filed her affidavit, which is taken on record. The affidavit records the factum of settlement and mentions the various proceedings which were pending between them. The affidavit mentions that the Respondent No.2 has withdrawn PWDV Application No.9/2020 pending before the Judicial Magistrate First Class, Solapur. Both the parties had preferred Marriage Petition No.218/2024 before the Family Court, Solapur, u/s 13-B of the Hindu Marriage Act and divorce by mutual consent was granted vide the order dated 06/09/2024. The paragraph No.8 particularly records that the Respondent No.2 has no objection for quashing and setting aside the C.R.No.519/2020. The affidavit mentions that she has no objection for quashing the C.R. No.519/2020. In fact, the correct C.R. number is C.R.No.519/2019 registered with MIDC Police Station, Solapur City. The learned counsel for the Respondent No.2 submits that it is a typographical error. He submits that the Respondent No.2 has no objection for quashing and setting aside these proceedings. The affidavit is affirmed before the Superintendent of District Court, Solapur.

5. The Respondent No.2 appeared through video conferencing. Her counsel submitted that he was appointed through Legal Services Authority. But the learned counsel for the Applicants identified her because the learned counsel for the Applicants was appearing in the matrimonial proceedings and she had seen the Respondent No.2 in those proceedings. The Respondent No.2 submitted before the Court that she has no objection for quashing of the proceedings.

6. Considering the settlement between the parties and no objection given by the Respondent No.2, this Petition can be allowed.

7. Hence, the following order :

ORDER

- (i) The FIR registered vide C.R.No.519/2019 registered with MIDC Police Station, Solapur City, and the consequential trial pending before the Judicial Magistrate First Class, Solapur, vide R.C.C. No.890/2020 are quashed and set aside.

(ii) The application is disposed of.

(iii) The companion Interim Application is also disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)