



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2129 OF 2023

Sanjay Prashant Deshmane & Ors.Petitioners
Vs.
The State of Maharashtra & Anr.Respondents

Mr. Viresh V. Purwant with Mr. Suraj V. Gadkari, for Petitioners.
Smt. Anamika Malhotra, Addl.PP, for Respondent No.1-State.
Mr. Shivraj N. Kumbhare, for Respondent No.2.

**CORAM : SARANG V. KOTWAL AND
DR. NEELA GOKHALE, JJ.
DATE : 11th DECEMBER 2024.**

P.C.:-

- 1) The Petitioners seek quashing of F.I.R. No.452 of 2022 registered with the M.I.D.C. Police Station, Solapur for offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code.
- 2) The Petitioner No.1 is the husband of the Respondent No.2. Petitioner No.2 is her father-in-law; Petitioner No.3 is her brother-in-law; Petitioner No.4 is her mother-in-law and Petitioner No.5 is the wife of Petitioner No.3.
- 3) It is the contention of the Respondent No.2 in the F.I.R. that she was married to the Petitioner No.1 on 29th April 2019 at

Alandi as per the Hindu rites and ceremonies. There is a daughter born of the said marriage presently aged about four and half years. According to Respondent No.2, Petitioners treated her well for few months of the marriage. But, thereafter they started digging up some quarrel and abusing her and beating her. The Petitioner No.1 is in the Armed Forces and was posted at different places. She has travelled with her husband at various places of his posting. But at all those times, he has ill-treated her and treated her with cruelty. She has also made a complaint to the Army Wife Welfare Association (AWWA). Finally, she resided with the Petitioner No.1 at Ahmedabad. When they returned to Solapur from Ahmedabad, the Petitioner No.1 told her to go to her parent's house as he did not want to take her to his own house. According to her, thus the Petitioner No.1 has abandoned and deserted her without any specific justification. Due to these ill-treatments, there is matrimonial discord resulting in filing of the F.I.R.

4) The investigation is on-going, but in the meantime the parties have decided to settle their dispute amicably. Consent Terms were executed between the parties and the Petitioner No.1 has handed over a Demand Draft of Rs.6,50,000/- in the name of Respondent No.2 in the Court today. The Respondent No.2 is present in Court

today and identified by her counsel. She had also given an Affidavit giving her consent to quash the F.I.R. He has also tendered an additional Affidavit in which he has specifically averred that he will facilitate his daughter of all the entitlements which she is entitled to get as a dependent of Armed Forces Personnel such as Aadhar Card, Dependent Card, etc. He has assured that he will cooperate in his daughter getting all the benefits relatable to educational and medical facilities, as are available to children of armed forces personnel.

5) It has also been agreed in the Consent Terms that another Demand Draft of Rs.6,50,000/- shall be drawn in the name of the minor child and will be handed over to the Respondent No.2 as soon as the bank account in the name of the daughter is opened by the Respondent No.2.

6) In these circumstances, since the Respondent No.2 has given her no objection to quash and set aside the impugned F.I.R. and the dispute between the parties is personal in nature and no society at large is involved, we are inclined to pass the following order:

ORDER

- i) F.I.R. No.452 of 2022 registered with the M.I.D.C. Police Station, Solapur is quashed and set aside.

- ii) The Petition is disposed of
- iii) It is made clear that if the Demand Draft of Rs.6,50,000/- in the name of daughter is not given to the Respondent No.2 as agreed in the Consent Terms, the Respondent No.2 shall be at liberty to make an Application before this Court for recalling the present order and reviving the proceedings.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)