

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

CRIMINAL APPLICATION NO.1047 OF 2023

Uma Shankar Lahoti

...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

....

Mr. Rahul Shelke with Ms Neha Sharma for the Applicant.

Ms Rutuja Ambekar, APP for Respondent No.1-State.

Dr. Samarth Shrikant Karmarkar i/b. Advocate Gul Dubash for Respondent No.2.

CORAM : SMT. ANUJA PRABHUDESSAI &

N.R. BORKAR, JJ.

DATED: 8th JANUARY, 2024.

P.C.:-

1. This is an application under Section 482 of the Cr.PC. to quash FIR No.399 of 2022 registered with Kapurbawdi Police Station, District-Thane, for the offences punishable under Sections 498-A, 384, 323, 504, 506 and 509 r/w 34 of the IPC.

2. Marriage of Respondent No.2 and the Applicant herein was solemnized on 11/12/2010. They have two children from the said wedlock. Respondent No.2 lodged the FIR on 18/12/2022 alleging that the Applicant and his family members had subjected her to physical and mental cruelty. Respondent No.2 had alleged that her husband was

having extra marital relationship and accused Nos.3 and 4, had allegedly demanded an amount of Rs.50,00,000/- to resolve the matrimonial dispute.

3. Learned counsel for the Applicant and Respondent No.2 state that the matter has been amicably resolved and that Respondent No.2 has joined the matrimonial home and is cohabiting with the Applicant alongwith the children. They have placed on record the affidavit filed by Respondent No.2 wherein it is stated that the matter has been amicably resolved with the intervention of the family members. Respondent No.2 has stated that she is cohabiting with the Applicant herein since last over 10 months and that both of them have decided to withdraw the allegations levelled against each other. She has stated that she does not wish to proceed with the matter against the Applicant as well as against the co-accused.

4. Respondent No.2 is present before the Court. She is identified by her Advocate. She has identified her signature on the affidavit and has confirmed the contents of the affidavit. She has reiterated that the matrimonial dispute is amicably settled and that she is cohabiting with the Applicant in her matrimonial home since last over 10 months. She has

given no objection to quash the FIR against the Applicant as well as all the other co-accused.

5. In our considered view the settlement is voluntary and genuine. Considering the fact that the parties have resolved the dispute amicably no fruitful purpose would be served in continuing with the criminal proceedings against the Applicant as well as the co-accused. Hence, this is a fit case to exercise discretion under Section 482 of the Cr.P.C. to quash the FIR to secure the ends of justice.

6. Under the circumstances, the application is allowed in terms of prayer clause 10(i). Consequently, C.R. No.I-0399 of 2022 registered at Kapurbawadi Police Station, Thane, as against the Applicant and other three co-accused stands quashed. No order as to costs.

(N.R. BORKAR, J.)

(SMT. ANUJA PRABHUDESSAI, J.)