

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

CRIMINAL APPLICATION NO. 1281 OF 2023

Deepak Tukaram Thorat and ors.	 Applicants
v/s.	
The State of Maharashtra and anr.	 Respondents

Mr. Mahesh Phalke for the Applicants.
Ms. M.M. Deshmukh, APP for the State.
Ms. Racheeta Dhuru, amicus curiae for the Respondent No.2.
Mr. Musale, IO, present.
Respondent No.2 present.

**CORAM: SMT. ANUJA PRABHUDESSAI AND
N.R. BORKAR, JJ.**

DATED : 22nd JANUARY, 2024.

P. C. :-

. At the outset, learned counsel for the Applicants seeks leave to amend the prayer clause (a) as to give the correct FIR number. Leave granted. Prayer clause (a) to be amended forthwith.

2. Since the Respondent No.2 is not represented by any advocate, Ms. Racheeta Dhuru is appointed as an amicus curiae to represent the Respondent No.2.

3. By this Application, the Applicants seek to quash the FIR No.370/2022 registered with Chandan Nagar Police Station, Pune for

offences punishable under sections 323, 498-A, 504 of the Indian Penal Code.

4. The aforesaid crime was registered pursuant to the FIR lodged by the Respondent No.2. The marriage of the Respondent No.2 and the Applicant No.1 was solemnized on 18/07/2021. The Respondent No.2 lodged the FIR on 18/10/2022 alleging that her husband and his relatives had subjected her to cruelty.

5. The Applicants and the Respondent No.2 are present before the Court along with their respective counsels. The learned counsel for the Applicants and the Respondent No.2 state that the parties have settled the dispute amicably. They have placed on record the affidavit of the Respondent No.2 wherein she has stated that they have resolved the dispute amicably and that the consent terms have been filed before the Family Court, Bandra in Marriage Petition No.A-2908/2022. Copy of the consent terms are placed on record at Exhibit – 9. Respondent No.2 is present before the Court. She has been identified by her advocate. She has identified her signature and has confirmed the contents of the affidavit. She has stated that she has no objection to quash the FIR. She has reiterated before us that the dispute has been

amicably resolved and that the consent terms have been filed before the Family Court, Bandra.

6. We are satisfied that the consent terms are genuine and voluntary. Since the parties have put an end to the matrimonial dispute, continuation of the criminal proceedings will be an exercise in futility and abuse of process of law. Hence, the Application is allowed in terms of prayer clause (a). FIR No.370/2022 registered with Chandan Nagar Police Station, Pune stands quashed.

(N.R. BORKAR, J.)

(SMT. ANUJA PRABHUDESSAI, J.)

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