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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1456 OF 2023

Rohitkumar Narayan Wadkar and others ... Applicants

Versus

Neekita Rohitkumar Wadkar nee

Ms. Neekita Rajendra Chorge and another ... Respondents

.....

Ms. Geeta Zaveri instructed by Ms. Shobha Chandak for the Applicants.

Ms. Tejas Kapre for Respondent No.1.

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

.....

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

DATED : 15 JANUARY 2024

P.C. :-

1. This is an application under Section 482 of Cr.PC. filed by the Applicants to quash First Information Report No. 2 of 2023 registered at Koparkhairane Police Station for the offences punishable under Sections 498(A), 406, 377, 354, 323, 504 r/w. 34 of Indian Penal Code and R.C.C. No.1010 of 2023 arising from the same crime and pending before the Civil Judge Junior Division, Belapur.

2. The aforesaid crime was registered pursuant to the FIR lodged by Respondent No.1. The marriage of Petitioner No.1 and Respondent No.1 was solemnized on 20 January 2020. Respondent No.1 lodged the FIR on 2 January 2023 alleging that her husband and his family members had subjected her to physical and mental cruelty. She has also levelled allegations of unnatural sex against the Applicant No.1.

3. Learned Counsel for the Petitioner and Respondent No.1 state that parties have settled the matrimonial dispute and they have filed the consent terms before the Family Court, Thane in MJ Petition No.A-187 of 2023. They therefore seek to quash the FIR as well as the criminal case, with consent.

4. They have placed on record copy of the consent terms filed in the said MJ Petition. Respondent No.1 has also filed her Affidavit stating that matter has been amicably settled as per the consent terms filed before the Family Court, Thane. She has given her no objection to quash the FIR as well as criminal proceedings arising therefrom.

5. Respondent No.1 is present before the Court. She is identified by her Advocate. Respondent No.1 admits her signature on the affidavit and confirms the contents of the same. She reiterates that the matrimonial dispute is amicably settled and that she does not wish to proceed against the Applicants in the aforesaid crime/Criminal Case.

6. The records do not disclose offence under Section 377, IPC. The dispute essentially arises from matrimonial discord between the Applicant No.1 and Respondent No.1. Matrimonial dispute has been settled amicably and the consent terms have been filed before the Family Court, Thane. Since the parties have put an end to the dispute, continuation of criminal proceedings will be a futile exercise and will be an abuse of process of law.

6. Considering the nature of the crime and as per the principles laid down by the Apex Court in ***B.S. Joshi & Ors. vs. State of Haryana (2003)4 SCC 675***, ***Jitendra Raghuvanshi & Ors. vs. Babita Raghuvanshi & Ors. (2013) 4 SCC 58*** and ***Rangappa Javoor vs. State of karnataka, 2023 Livelaw SC 74***, we are of the

considered view that this is a fit case to exercise powers under Section 482 of Cr.PC. to secure the ends of justice. Hence, the order :

- (i) Application is allowed in terms of prayer clause (a).
- (ii) First Information Report No.2 of 2023 registered at Koparkhairane Police Station and R.C.C. No. 1010 of 2023 pending before the Civil Judge Junior Division, Belapur stand quashed and set aside.

(N.R. BORKAR, J.)

(SMT. ANUJA PRABHUDESSAI, J.)