

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

WRIT PETITION NO. 3891 OF 2023

1. Nandkishor Rangarao Kunure
2. Kusum Rangrao Kunure
3. Rangrao Shivram Kunure
4. Rani Samadhan Mali
5. Sheela Shital Shivankar
6. Vanita Sagar Mali

..Petitioners

v/s.

1. The State of Maharashtra
2. Gitanjali Nandkishor Kunure

..Respondents

Mr.Dilip Shinde for the Petitioner.

Mr. Sameer Mhatre a/w. Pravin Mengane for the Respondent No.2.

Ms. Ruchita Ambekar, APP for the State.

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

DATED : 25th JANUARY, 2024.

P.C.

1. Not on board, upon being mentioned, taken on board.
2. The petitioners seek to quash Crime No. 310 of 2022, registered with Kavathe Mahankal Police Station, Sangli, for the offences punishable under Section 498A, 313, 323, 504, 506 r/w. 34 of the Indian Penal Code, and Criminal Case No. 29 of 2023 arising therefrom, pending on the file of learned District & Sessions Judge-

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2, Sangli.

3. The aforesaid crime was registered pursuant to the FIR lodged by respondent no.2. The marriage of respondent no.2 and petitioner no.1 was solemnized on 02.03.2019. Respondent no.2 lodged an FIR on 27.07.2022 alleging that her husband and his relatives had subjected her to physical and mental cruelty.

4. Learned Counsel for the petitioners and respondent no.2 state that the matrimonial dispute has been settled amicably. It is stated that petitioner no.1 husband had filed Divorce Petition No.1856 of 2022 before the Family Court No.5, Pune, and that the parties have filed consent terms in the said petition. The respondent no.2 has filed her affidavit, as well as copy of the consent terms filed before the Family Court.

5. Respondent no.2 is present. She is identified by her Advocate. She confirms the contents of the affidavit and reiterates that the matrimonial dispute is settled as per the consent terms filed before the Family Court. She has no objection to quash the FIR as well as the criminal proceedings arising therefrom.

6. The crime emanates from matrimonial discord. The parties have put an end to the dispute. The settlement is voluntary and genuine. Under the circumstances, we are of the considered view that continuance of the criminal proceedings will be an exercise in futility and will amount to abuse of process of law.

7. Hence the petition is allowed in terms of prayer clause (a).

. Crime No.310 of 2022, registered with Kavathe Mahankal Police Station, Sangli, and Criminal Case No. 29 of 2023 pending on the file of learned District & Sessions Judge-2, Sangli, is hereby quashed.

(N.R.BORKAR, J.)

(ANUJA PRABHUDESSAI, J.)