

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO.1383 OF 2024**

Anand Arvind Behede

.....Petitioner

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Ashish P. Agarkar, with Adv. Ishan Zawar, for the Petitioner.

Mr. R.M. Pethe, APP for Respondent No.1-State.

Mr. Abid Mulani, with Mr. Omkar Wangikar for Respondent No.2.

**CORAM : SARNAG V. KOTWAL AND
DR. NEELA GOKHALE, JJ.****DATE : 8th OCTOBER 2024.****P.C.:-**

1) This Petition is filed by the Original Accused for quashing the FIR registered at Koregaon Park Police Station, Pune vide C.R.No. 06 of 2018 under Sections 452, 323, 504 and 506 of the Indian Penal Code, 1860 ('IPC'). Investigation is carried out, charge-sheet is already filed and consequent criminal proceeding bearing R.C.C. No.4726 of 2018 is pending before 5th Joint Judicial Magistrate, First Class, Pune.

2) The gist of the FIR is that the Respondent No.2, who is the First Informant got acquainted with the Petitioner in the year 2017. Their acquaintance turned into a love relationship. It is her case that they got married on 6th April 2017 at Alandi in a hall in the presence

of a priest. Even after their marriage, they were staying separately in their respective houses. Informant's mother was not aware of this marriage. It is her case that they used to meet outside and on many occasions, the Petitioner used to take money from her. Further allegations are that on one occasion, he had misappropriated some amount which was meant for purchasing air tickets for her and her mother for going to London. The Respondent No.2 was demanding her money back but there was quarrel between them. It is alleged that the Petitioner had also threatened her. On this basis, the impugned FIR is filed. Investigation was carried out, charge-sheet is filed and statements of other witnesses basically corroborating her allegations were recorded.

3) After the charge-sheet was filed, now the parties have arrived at a settlement. An Affidavit executed before the Notary Public on 29th July 2023 is filed before the Court. It is executed by the Respondent No.2 herein, i.e., the First Informant. She has mentioned in her Affidavit that the dispute between them has been resolved in toto and she has moved on in life. She is married and happily settled now. She has further mentioned in her Affidavit that she does not intend to pursue any criminal proceeding against the Petitioner. In

paragraph 5, she has categorically given her consent for quashing of the FIR which is the subject matter of the present Petition.

4) Respondent No.2 appears before the Court through video conferencing. She is identified by her counsel, who is present in the Court.

5) Considering that the dispute between the parties is of personal nature and based on categorical statements made in the Affidavit which are reproduced hereinabove, we are inclined to quash the impugned FIR and the criminal proceeding culminating from the same. Continuation of the prosecution will be an abuse of process of law and hence, we pass the following order:

(i) FIR registered vide C.R.No. 06 of 2018 and the consequent criminal proceeding bearing R.C.C. No.4726 of 2018 are quashed and set aside.

6) Petition is accordingly disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)

SHAMBHAVI
NILESH
SHIVGAN

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Date: 2024.10.10
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