



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1782 OF 2024

Ankush Kumar

Age: 42 years, Occu: Service,
R/at: D-502, Shri Nidhi Society,
Lohagoan, Pune, Dist.: Pune

.....Petitioners

Vs.

1. The State of Maharashtra,
(Through Officer In-charge of
Sangavi Police Station, Pune,
Vide C.R..No.799 of 2019)

2. Preeti Govinddas Ahirvar,
Age: 37 years, Occu: Service,
R/at: Flat No.1, Arjun Villa,
Dhorenagar, Old Sangvi, Pune,
Dist.: Pune.

.....Respondents

Mr. Shailesh Chavan, with Mr. Sumant Patale, for the Petitioner.
Smt. Anamika Malhotra, Addl.PP, for Respondent No.1-State.
Mr. Paras Yadav, for Respondent No.2.

CORAM : A. S. GADKARI AND
DR NEELA GOKHALE, JJ.

DATE : 2nd JULY, 2024.

JUDGMENT (Per Dr. Neela Gokhale) :-

1) Rule. Rule is made returnable forthwith and with consent of the parties, Petition is taken up for final disposal.

1.1) Mr. Shailesh Chavan, learned counsel appears for the Petitioner. Learned APP waives notice on behalf of the Respondent No.1-State and learned counsel Mr. Paras Yadav represents the Respondent No.2.

2) Petitioner seeks quashing of criminal proceedings bearing R.C.C. No.1378 of 2020 pending before Judicial Magistrate First Class (Court No.4), Pimpri, District Pune arising out of F.I.R. No.799 of 2019 dated 15th January 2019 registered with Sanghavi Police Station, Pimpri-Chinchwad under offences punishable under Sections 420, 419 read with 34 of Indian Penal Code, 1860 ("IPC") and Section 66D of the Information technology Act, 2000 ("IT Act").

3) The Petitioner is the husband of Respondent No.2/original Complainant. It is the case of the complainant that the Petitioner with the help of another person took a printout of the Form-26AS of the complainant from the Income Tax Department by creating a dummy Email ID and by changing her mobile number from that which was submitted by her to the Income Tax Department. There are other proceedings pending before various Courts regarding their matrimonial disputes.

4) It is the contention of the parties that they are now desirous in resolving their dispute amicably and accordingly they have entered into Consent Terms.

5) The complainant is present before the Court. She has filed her consent Affidavit dated 24th April 2024 attested before a Notary Public. The complainant is identified by her Advocate. On enquiry, she reiterates her statements in the Affidavit. She further states that, the impugned F.I.R. is registered due to a misunderstanding between the parties and the

differences arising out of matrimonial disputes and in view of the settlement, she has no objection to quashing of criminal proceedings bearing R.C.C. No.1378 of 2020 pending before the learned Judicial Magistrate First Class (Court No.4), Pimpri, District Pune arising out of F.I.R. No.799 of 2019 dated 15th January 2019 registered with Sanghavi Police Station, Pimpri-Chinchwad.

6) Considering the facts in the present matter including the execution of consent terms, the consent Affidavit filed by the complainant and the relationship between the parties giving rise to the criminal proceedings we are inclined to allow the petition.

6.1) Criminal proceedings bearing R.C.C. No.1378 of 2020 pending before the learned Judicial Magistrate First Class (Court No.4), Pimpri, District Pune arising out of F.I.R. No.799 of 2019 dated 15th January 2019 registered with Sanghavi Police Station, Pimpri-Chinchwad are quashed and set aside.

7) Rule is accordingly made absolute in the aforesaid terms.

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)