

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 323 OF 2022**

1. Kanchan Keshav Kulkarni, (Orig. Accd. No. 2)
Aged 60 years, Occupation – Nil,
Add/at, Sinhagad Society Speciality
Hospital, Hotagi Road, Solapur District,
Solapur, Maharashtra, India.
2. Arvind Bandopant Moharir, (Orig. Accd. No. 4)
Aged 37 years, Ft. No. 202,
Pt. No. 21/A NEEM, Sriramnagar cly,
Manikonda, Hyderabad,
Telangana – 500 089, India.Applicants

Vs.

1. Sonali Nikhil Kulkarni,
Aged 27 years, Occ.:Housewife,
Present Res/at, B-106, Aapla Ghar Society,
Kirkatwadi, Haveli, District – Pune,
Pune Gramin, Maharashtra, India.
Permanent Add/at Joshi Sadan,
Behind Kalburgi Plot, Akkalkot,
Solapur District, Akkalkot North,
Solapur Gramin, Maharashtra, India.
2. The State of Maharashtra
(Through Sr. Inspector of Police,
Haveli Police Station).Respondents

WITH

CRIMINAL APPLICATION NO. 1061 OF 2024

1. Nikhil Keshav Kulkarni,
Aged 34 years, Occ.:Service,
Add/at:Flat No. 4, A-Wing, Shingad Apt.,
Near Ragoji Kidney Multispeciality Hospital,
Hotagi Road, Solapur – 413215.

2. Shraddha Arvind Moharir,
Aged 39 years, Occ.:NIL,
Add/at:Flat No. 202, Plot No. 21/A Neem,
Sriramnagar Cly, Manikonda,
Hyderabad, Telangana – 500089.

.....Applicants/
Orig. Accd. Nos. 1 & 3

Vs.

1. Sonali Nikhil Kulkarni, (First Informant)
Aged 28 years, Occupation:Homemaker,
Residing at Flat No. 106, B Wing,
Aaple Ghar Society, Kirkatwadi,
Haveli, Nandoshi Road, District – Pune,
Pune Gramin, Pune – 411014.
2. The State of Maharashtra
(Through Sr. Inspector of Police,
Haveli Police Station).

.....Respondents

Dr. Samarth S. Karmarkar a/w Ms. Suprinyanka G. Maurya i/b Karmarkar & Associates for the Applicants.

Mr. Shailesh Kharat for Respondent No. 1.

Mr. Vinod Chate, A.P.P. for the Respondent-State in APL/1061/2024.

Mr. Sukant A. Karmakar, A.P.P. for the Respondent-State in APL/323/2022.

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

DATE : 19th SEPTEMBER 2024.

ORDER (Per Dr. Neela Gokhale, J.) :-

- 1) Leave to amend to incorporate a challenge to R.C.C. No. 233 of 2023 pending on the file of Judicial Magistrate First Class (J.M.F.C.), Pune in the prayer clause granted. The amendment to be carried out forthwith.
- 2) The Applicants seek to quash criminal proceedings in R.C.C.

No. 233 of 2023 pending on the file of J.M.F.C., Pune, arising out of F.I.R. No. 208 of 2021 dated 7th September 2021 registered with the Haveli Police Station, Pune Rural for the offense punishable under Sections 498-A and 34 of the Indian Penal Code (I.P.C.).

3) The Applicants in Criminal Application No. 323 of 2022 are the mother-in-law and husband of the sister-in-law of Respondent No. 1 respectively. The Applicants in Criminal Application No. 1061 of 2024 are the husband and sister-in-law of the Respondent No. 1 respectively.

4) It is submitted that, certain disputes arose between the Applicants and Respondent No. 1 out of a matrimonial discord between the Applicant No. 1 in Criminal Application No. 1061 of 2024 and the Respondent No. 1 herein, leading to the registration of the impugned F.I.R. culminating in the criminal proceedings.

5) Mr. Samarth Karmarkar, learned Advocate appears for the Applicants. Mr. Shailesh Kharat, learned Advocate appears for the Respondent No. 1 and Mr. S. A. Karmakar & Mr. Vinod Chate, learned A.P.P.s represent the State.

6) Mr. Kharat, learned Advocate appearing for the Respondent No. 1 tendered across the bar the Affidavits of today's date i.e. 19th September 2024, duly affirmed by the Respondent No. 1 before the Assistant Registrar of this Court. It is stated therein that, Respondent No. 1 has agreed to withdraw the F.I.R. filed by her against the Applicants and she does not

wish to prosecute any proceedings against the Applicants. Therein the Respondent No. 1 has stated that, the differences between the Applicants and her are mutually and amicably settled and in furtherance of amicable resolution of issues between the original Accused No. 1 namely Mr. Nikhil Keshav Kulkarni and Respondent No. 1 by filing Consent Terms dated 11th July 2024 in the proceedings of Petition No. A-560 of 2024, she has given her no objection for quashing of the crime in question. Even in the said Consent Terms the Respondent No. 1 has given her no objection for quashing of the crime in question.

6.1) Respondent No. 1 is personally present in the Court and through her Advocate reiterates the contents of her Affidavits dated 19th September 2024 and her 'no objection' for quashing of the crime in question.

7) In view of the above, Applications are allowed in terms of prayer clause (a).

(DR. NEELA GOKHALE, J.)

(A. S. GADKARI, J.)

Digitally signed
by GITALAXMI
KRISHNA
KOTAWADEKAR
Date:
2024.09.23
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