

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

CRIMINAL WRIT PETITION NO. 2903 OF 2024

1. Sayli Amarnath Deokar
@ Sayli Jitendra Bhagwat,
aged 31 years, Indian Inhabitant,
Occupation – Service,
Residing at : F-6, Chetnanagar,
Kalda Corner, Dargah Road,
Aurangabad – 431 001.
2. Sonali Amarnath Deokar,
aged 27 years, Indian Inhabitant,
Occupation – Education,
Residing at : F-6, Chetnanagar,
Kalda Corner, Dargah Road,
Aurangabad – 431 001.
3. Rohini Amarnath Deokar,
aged 60 years, Indian Inhabitant,
Occupation – Housewife,
Residing at : F-6, Chetnanagar,
Kalda Corner, Dargah Road,
Aurangabad – 431 001.
4. Amarnath Pandurang Deokar,
aged 63 years, Indian Inhabitant,
Occupation : Retired,
Residing at : F-6, Chetnanagar,
Kalda Corner, Dargah Road,
Aurangabad – 431 001.

5. Sagar Amarnath Deokar,
Aged 37 years,
Occupation – Business,
Residing at : F-6, Chetnanagar,
Kalda Corner, Dargah Road,
Aurangabad – 431 001.
6. Nikhil Manoj Sharma,
Aged – 27 years, Indian Inhabitant,
Occupation : Education,
Residing at – Balaji Nagar,
House No. NBD 21, Near Flour Mill,
Aurangabad – 431 001.
7. Ashok Malhar Markad,
Aged – 38 years, Indian Inhabitant,
Occupation – Business,
Residing at – Mayurpark Harsul,
Aurangabad.

... Petitioners

Versus

1. The State of Maharashtra
Through Kothrud Police Station,
(Represented by Public Prosecutor)
Mumbai – 400 001.
2. Jitendra Murlidhar Bhagwat,
Age about 35 years, Indian Inhabitant,
Occupation : Service,
Residing at Post Chodegaon,
Taluka – Newasa,
District – Ahmednagar – 414 603.

... Respondents

Mr. Yogesh J. Mishra a/w Sachin Kanse for the Petitioners.

Mrs. P. P. Shinde, Addl. P. P. for the Respondent-State.

Mr. Mohit Khanna i/b Mr. Pravin Patil for the Respondent No. 2.

Mr. Angat Nemane, Police Sub Inspector, Kothrud Police Station,
Pune City, Present.

**CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.**

DATE : 26TH SEPTEMBER, 2025.

ORDER (Per Sandesh D. Patil, J.) :-

1. The Petitioner has filed the present Writ Petition seeking quashing of First Information Report bearing C.R. No. 0084 of 2022, registered with the Kothrud Police Station, Pune for the offences punishable under Sections 143, 147, 380, 323, 504 read with Section 34 of the Indian Penal Code (IPC) and also the proceedings of Criminal Case No. RCC/4040/2023 pending before the learned Joint Civil Judge Junior Division and JMFC Court, Pune.

2. The present petition is filed by the Original Accused nos. 1 to 7. Petitioner No.1 is the wife of the Respondent no.2 and the Petitioner Nos. 2 to 7 are the relatives of Petitioner No.1. Marriage between the parties was solemnized on 16.02.2020. The Respondent no.2 has filed the present FIR inter alia alleging that all the accused had stolen gold ornaments worth ₹1,25,000/- as also a wrist watch worth ₹ 4,000/- and 2 laptops worth ₹ 25,000/- and ₹ 5000/- respectively from the house of the Respondent No.2.

3. The Petitioner no.1 had also lodged an FIR bearing C.R.No. 0295/2020 on 02.11.2020 with the Kothrud Police Station, Pune for the alleged offences punishable under Sections 498A, 406, 323, 506, 504, 406, 323, 506, 504 read with Section 34 of IPC as against the Respondent no.2 and his relatives, including parents of the Respondent no.2.

4. There was a proceeding under the Protection of Women from Domestic Violence Act, bearing Case no. 537/2020 filed by the Petitioner no.1 against the Respondent no.2 and his relatives

before the learned JMFC Court, Aurangabad. There was a complaint filed by Petitioner no.1 under Section 125 of Code of Criminal Procedure (Cr.P.C.), bearing Case No.E-24/2021 against the Respondent no.2 before the Family Court, at Aurangabad.

5. It is matter of record that the parties had filed Miscellaneous Civil Application No. 120 of 2023 in the High Court, Aurangabad Bench, as the parties had amicably settled their dispute amongst themselves. Parties filed settlement / consent terms before the High Court. The learned Single Judge of this Court (Kishore C. Sant, J.) on 17th April 2025 took the said terms on record and disposed of the Miscellaneous Civil Application No. 120/2023.

6. It is also a matter of record, that on 4th April 2024 this Court had issued notice to the Respondent no.2.

7. Pursuant to the said notice, the Respondent No.2 appeared before this Court. Learned Counsel for the Respondent

No.2, Mr. Mohit Khanna placed on record the order dated 17th April 2025 passed by this Court (Kishore C. Sant, J.) alongwith the settlement terms. Learned Counsel for the Respondent no.2 submitted that the parties have amicably settled their dispute and have decided to file an application for divorce by mutual consent, under Section 13-B of the Hindu Marriage Act. Learned Counsel for the Respondent no.2 consents for the quashing of the First Information Report i.e. C.R. No. 84/2022 and the chargesheet, in view of the settlement.

8. Perused the order dated 17th April 2025 and the consent terms. Both the parties have agreed in the said consent terms that they will withdraw all proceedings filed against each other. Learned Counsel for the Respondent no.2 has no objection if the Petition is allowed, i.e. if the FIR as well as the chargesheet is quashed and set aside, in terms of Clause-14 of the Terms of Settlement which are appended to the order dated 17th April 2025.

9. We have perused the said order dated 17th April 2025. We have gone through the contents of the chargesheet. The dispute arises essentially out of a matrimonial discord. It appears to us that the parties have now voluntarily decided to bury the hatchet and give quietus to the long-standing matrimonial dispute. The dispute between the husband and wife is purely a matrimonial dispute and does not affect the society at large. The terms of settlement are already accepted by the learned Single Judge of this Court. Thus, we are inclined to exercise our powers under the provisions of Section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023 (BNNS) by quashing the FIR, the chargesheet and proceedings, if any pursuant to the FIR.

10. We are satisfied that, it is in the interest of the parties, that the FIR as well as the chargesheet and consequential proceeding, if any, are required to be quashed and set aside. We are informed by the Counsels appearing for the respective parties that, the parties have already acted upon the settlement terms.

11. Petition is allowed accordingly. Resultantly, the following order is passed :-

i. The First Information Report bearing C.R. No. 0084 of 2022, registered with the Kothrud Police Station, Pune for the offences punishable under Sections 143, 147, 380, 323, 504 read with Section 34 of the Indian Penal Code and consequently, the chargesheet and proceedings, bearing Criminal Case No. RCC/4040/2023 pending before the learned Joint Civil Judge Junior Division and JMFC Court, Pune are quashed and set aside.

ii. The writ petition is disposed of accordingly.

12. All concerned to act on the authenticated copy of this order.

(SANDESH D. PATIL, J.)

(REVATI MOHITE DERE, J.)

VDMokal