

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

CRIMINAL WRIT PETITION NO. 4454 OF 2024

Jeetendra Natha Chavan

...Petitioner

Versus

State Of Maharashtra

...Respondent

Adv. Harsh Nishar h/f. Adv. Amey Deshpande, Advocate for the
Petitioner.

Mr. A. A. Palkar, APP for the State.

Adv. Niyati Sontakke, Advocate for Respondent No.2.

**CORAM : RAVINDRA V. GHUGE &
RAJESH S. PATIL, JJ.**

DATE : 9th JANUARY, 2025.

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P.C. :-

1. An F.I.R. Bearing No. I-135/2023, dated 11th December, 2013, is registered with the Camp Malegaon Police Station, District Nashik, on account of a domestic discord. The proceedings between the Complainant and her husband are pending before different Courts. It has now been decided to withdraw all these proceedings by way of settlement. The consent terms dated 4th March, 2024 have been filed in Criminal MA No.124/2015 before the Joint Civil

Judge, Senior Division and Additional Chief Magistrate, Malegaon.

A Copy of the same is before us at Pages 42 to 47.

2. The learned Advocate representing Respondent No.2 submits that on the basis of the settlement, an affidavit dated 3rd August, 2024, is annexed to the Petition paper book after Page No.65. The same is paginated at Pages 66 to 68.

3. Since the dispute has arisen out of a domestic/matrimonial discord, and considering the facts recorded as above and in the light of the law laid down by the Hon'ble Supreme Court in **Narinder Singh & Ors Vs. State of Punjab & Anr, (2014) 6 SCC 466**, this **Criminal Writ Petition is allowed** in terms of the prayer clauses (a) and (b), which read as under :-

“A) This Hon'ble High Court be pleased to call for the records and proceedings of Regular Criminal Complaint No.393 of 2014 pending before the Hon'ble Court No. 3 Joint Civil Judge Junior Division and JMFC Malegaon at Malegaon District Nashik arising out of Crime Register No. 135 of 2013 registered with Malegaon Camp Police Station, Malegaon, District Nashik and after perusal and examination thereof.

B) This Hon'ble High Court be pleased to quash and set aside Regular Criminal Case No.393 of 2014 pending before the Hon'ble Court No. 3 Joint Civil Judge Junior Division and JMFC Malegaon at Malegaon District Nashik arising out of Crime Register No. 135 of 2013 registered with Malegaon Camp Police Station, Malegaon, District Nashik.”

5. The statement of the husband is recorded that the amount is deposited before the Joint Civil Judge, Senior Division, and Additional Chief Judicial Magistrate in Criminal MA No.124/2015, and after the F.I.R. is quashed, the Complainant can withdraw the said amount.

(RAJESH S. PATIL, J.)

(RAVINDRA V. GHUGE, J.)