

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

**CRIMINAL WRIT PETITION STAMP NO. 3022 OF 2020**

1. Dr. Vivekanand Babruvan Jadhav  
Age- 47 Years, Occ- Service,  
R/at: D-2, 1205, Ganga Skies,  
Vallabhnagar, Pimpri, Pune.
2. Shri. Babruvan Maruti Jadhav  
Age- 76 Years, Occ:- Retired.
3. Mrs. Kamal Babruvan Jadhav  
Age- 66 Years, Occ- Housewife.  
Petitioners No. 2 and 3 are R/at-  
Tambri Vibhag, Yashwantnagar,  
Barshi-Chihardanka, Osmanabad.
4. Mr. Devdutta Babruvan Jadhav  
Age- 37 Years, Occ Service,  
R/at. Flat No. 204, Mauli Residency,  
Near Octri Naka, Fursungi, Pune.
5. Mrs. Muktai Prashant Chavan  
Age- 30 years, Occ- Housewife,  
R/at. Jyoti Colony, Jalna Road,  
Aurangabad.

**...PETITIONERS**

**Versus**

1. The State of Maharashtra  
Through Ambad Police Station,  
District Nashik  
(C.R. No. 359/2020).
2. Mrs. Savita Vivekanand Jadhav  
Age- 43 Years, Occ- Service,  
R.at. D-2, 1205, Ganga Skies,  
Vallabhnagar, Pimpri, Pune.

**...RESPONDENTS**

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Mr. Avinash B. Patil, Advocate for Petitioners.  
Mr. V.V. Ugle, Advocate for Respondent No. 2.  
Mr. Deepak Thakare, PP a/w. Mr. S.R. Shinde, APP for Respondent-State.  
Dr. Savita Jadhav-Respondent No. 2-present through video conferencing.

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**CORAM : S. S. SHINDE &  
M.S. KARNIK, JJ.**

**DATE : NOVEMBER 25, 2020.**

**ORAL JUDGMENT:**

1. Learned counsel appearing for the Petitioners prays for leave to amend. Leave granted. Amendment to be carried out during the course of the day.

2. Rule. Rule made returnable forthwith. With the consent of learned counsel appearing for the parties the petition is taken up for final disposal. Learned counsel appearing for Petitioners and Respondent No. 2 jointly submits that the Petitioners and Respondent No. 2 have amicably arrived at the settlement and decided to stay together. Learned counsel for the Petitioners and Respondent No. 2 invites our attention to the affidavit filed by Respondent No. 2.

3. Respondent No. 2 is present, we have interacted with her through video conferencing and we are satisfied that it is her voluntary act to pray for quashing of the impugned FIR. During our interaction with Respondent No. 2, she stated that, out of heavy pressure of work in the

hospitals, since the Petitioner No. 1 and Respondent No. 2 are medical professionals, there was some misunderstanding and the FIR came to be lodged and even the domestic violence case was also filed. It is stated that to treat the patients affected due to spread of virus Covid-19, the Petitioner No. 1 and Respondent No. 2 were asked to discharge duties by putting extra hours which exceeded for more than 18 hours per day. Due to some work pressure there was some misunderstanding between the Petitioners and Respondent No. 2, which led to filing of FIR against the Petitioners. However, the Petitioners and Respondent No. 2 have amicably settled the dispute and are living together and leading peaceful family life from the month of September 2020. It is stated by Respondent No. 2 that it is her voluntary act without any coercion to enter into amicable settlement and to pray for quashing of the FIR.

4. In the light of averments in the affidavit filed by Respondent No. 2, it is certain that the Respondent No. 2 is not going to support the allegations in the FIR and as a consequence of it, the chances of conviction of Petitioners would be bleak. Since the Petitioner No. 1 and Respondent No. 2 are staying together from the month of September 2020, no fruitful purpose would be served by continuing the further investigation/proceedings arising out of First Information Report No. 359 of 2020 filed by the Respondent No. 2 against the present Petitioners on 14.06.2020 at Ambad Police Station,

under Section 498-A, 324, 377, 504, 506 of Indian Penal Code and Section 354 (D), 294, 507 of IPC and Section 67 and 67A of Information Technology Act, 2000.

5. The Supreme Court in the case of **Giansingh v. State of Punjab and Another**<sup>1</sup> has held that, the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offence arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. It is further held that, as inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz.: (I) to secure the ends of justice, or (ii) to prevent abuse of the process of any court.

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1 2012 (10) SCC 303

6. In the light of discussion in foregoing paragraphs, in order to secure the ends of justice and prevent the further abuse of the process of the Court, the petition deserves to be allowed. Accordingly, the petition is allowed in terms of prayer clause (a). Rule made absolute on above terms. Writ Petition stands disposed of.

7. Parties to act upon an authenticated copy of this order.

8. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

**( M. S. KARNIK, J.)**

**(S. S. SHINDE, J.)**