

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL WRIT PETITION NO.2810 OF 2016

Mrs. Sandhya Vipin Mangla,  
Widow of Vipin Lakpatrai Mangla. .. Petitioner  
Vs  
State of Maharashtra & Others .. Respondents  
—

ALONG WITH  
CRIMINAL WRIT PETITION NO.2811 OF 2016

Dr.Rajesh Lakhpatrao Mangla & Another. .. Petitioners  
Vs  
State of Maharashtra and Others. .. Respondents  
—  
Shri Yogesh Joshi i/b YRJ Legal for the Petitioner in both the matters.  
Shri K.V. Saste, APP for the State.  
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CORAM : A.S. OKA & A.A.SAYED, JJ  
DATED : 24TH AUGUST 2016

PC.

1. Rule. The learned APP waives service for the State of Maharashtra. The Respondents who are personally present in Court waive service. Forthwith taken up for final disposal.

2. In Writ Petition No.2810 of 2016, the prayer is for quashing the C.R. No.22 of 2016 registered at her own instance for the offence under Section 498-A read with Section 34 of the Indian Penal Code. The Petitioner-first informant is the daughter in law of the third

Respondent. The fourth Respondent is the real brother of the deceased husband of the Petitioner and the fifth Respondent is the wife of the fourth Respondent.

3. Criminal Writ Petition No.2811 of 2016 has been preferred by the third and fourth Respondents in Criminal Writ Petition No.2810 of 2016. The fourth Respondent in Criminal Writ Petition No.2811 of 2016 is the Petitioner in Writ Petition No.2810 of 2016. The fifth Respondent in Criminal Writ Petition No.2811 of 2016 is the father-in-law of the fourth Respondent in the said Criminal Writ Petition No.2811 of 2016 and the sixth Respondent in the said Criminal Writ Petition No.2811 of 2016 is the brother of the fourth Respondent in the said Writ Petition No.2811 of 2016.

4. The Writ Petition No.2811 of 2016 is filed for quashing three First Information Reports. The first one is I-51 of 2015 where the second Petitioner is the first informant. The second one is FIR No.I-257 of 2015 where the first Petitioner is the first informant and the third one is FIR No.I-21 of 2016 wherein the second Petitioner in the said Petition is the first informant and the fourth Respondent is the Accused.

5. The prayer for quashing is based on the settlement arrived at between the parties to both the Petitions. The settlement is reflected

from the Memorandum of Understanding dated 14<sup>th</sup> May 2016 (Exhibit-B to Writ Petition No.2810 of 2016). To the said settlement, the Petitioners in both the Petitions are the parties. The settlement is in relation to the five properties mentioned in the said document. The document indicates that there were even other proceedings filed between the parties. There are affidavits on record filed by all the parties affirming the contents of the Memorandum of Understanding dated 14<sup>th</sup> May 2016. Ms.Sadhana Bhagwant Ingale, PSI, Kopari Police Station, Thane, who is personally present in the Court states that she identifies all the parties to the Petitions who are present in the Court. It is pointed out that the fifth Respondent in Writ Petition No.2811 of 2016 is not present but he has filed an affidavit supporting the settlement.

6. We have perused the FIRs which are subject matter of challenge in the Petitions. We find from the FIRs that apart from the matrimonial disputes, the disputes over the property between the parties are the basis of the FIRs. The Memorandum of Understanding dated 14<sup>th</sup> May 2016 records a complete settlement between the parties of all the subsisting disputes which are the subject matter of the impugned FIRs.

7. Looking to the allegations made in the FIR subject matter of challenge, we find that the offences alleged cannot be said to be offences against the society at large. The offences are not of serious nature. Therefore, the law laid down by the Apex Court in the decision in the case of of *Gian Singh v. State Bank of Punjab*<sup>1</sup> applies to the facts of the case and therefore, the Petitions must succeed and we pass the following order:

ORDER :

- (a) The Rule issued in Criminal Writ Petition No.2810 of 2016 is made absolute in terms of prayer clause (a), which reads thus:

“(a) Issue appropriate writ, order or direction and thereby quash and set aside entire First Information Report No.I-22 of 2016 dated 16.4.2016 registered with Respondent No.2, registered against Respondent Nos.3, 4 & 5 for offences punishable u/s. 498A & 34 of Indian Penal Code, 1860.”

- (b) The Rule issued in Criminal Writ Petition No.2811 of 2016 is made absolute in terms of prayer clauses (a) to (e), which read thus:

“(a) Issue appropriate writ, order or direction and thereby quash and set aside, as against Respondent Nos.4 and 5, First Information Report No.I-51 of 2015 dated 30.3.2015 with Respondent No.3 against Respondent Nos.4 & 5 for offences

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1 (2012) 10 SCC 303

punishable u/s. 420, 465, 471, 380, 34 of Indian Penal Code, 1860 AND

- (b) Issue appropriate writ, order or direction and thereby quash and set aside the entire Chargesheet filed in respect of FIR No.I-51 of 2016 on 24.2.2016 in the Hon'ble Court of Chief Judicial Magistrate, Thane against Respondent Nos.4 & 5; AND;
  - (c) Issue appropriate writ, order or direction and thereby quash and set aside the entire proceedings of R.C.C. No.122/2016 pending on the file of Hon'ble Court of Chief Judicial Magistrate, Thane.
  - (d) Issue appropriate writ, order or direction and thereby quash and set aside, as against Respondent Nos.4, 5 and 6, First Information Report No.I-257 of 2015 dated 8.8.2015 registered with Respondent No.2 for offences punishable u/s. 465, 467, 468, 471, 420, 511, 406 and 34 of Indian Penal Code, 1860 in the interest of justice.
  - (e) Issue appropriate writ, order or direction and thereby quash and set aside, as against Respondent Nos.4 and 5, First Information Report No.I-21 of 2016 dated 30.3.2015 registered with Respondent No.3 for offences punishable u/s. 498A, 506, 34 of Indian Penal Code, 1860 in the interest of justice.”
- (c) All concerned to act upon an authenticated copy of this order.

(A.A. SAYED, J)

( A.S. OKA, J )