

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

CRIMINAL WRIT PETITION NO.4833 OF 2015

Dhirendra Jhulai Pal & Ors.

.. Petitioners

V/s.

The State of Maharashtra & Anr.

.. Respondents

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Mr. Manoj S. Singh i/b. M/s. MKS Legal Associates, Advocate for the Petitioners.

Mrs. S. V. Sonawane, APP for Respondent No.1 – State.

Mr. S.R. Pathak, Advocate for Respondent No.2.

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**CORAM : NARESH H. PATIL AND
PRAKASH D. NAIK, JJ.**

DELIVERED ON : AUGUST 8, 2016.

JUDGMENT (Per PRAKASH D. NAIK, J.) :

Rule. Rule is made returnable forthwith.

2 Learned APP waives service for Respondent No.1-
State.

3 Petitioners have challenged the First Information Report (for short “FIR”) dated 6th July, 2015, registered with Kurar Police Station, Mumbai vide C.R.No.200 of 2015 for the offences punishable under sections 498-A, 406, 323, 504 read with Section 34 of the Indian Penal Code (for short “IPC”).

4 Petitioners are impleaded as accused in the impugned FIR which was registered at the instance of respondent no.2. Petitioners have invoked writ jurisdiction of this Court under Article 226 of the Constitution of India and have also invoked the inherent powers under Section 482 of the Code of Criminal Procedure and sought to challenge the aforesaid FIR. It is submitted by the petitioners and respondent no.2 that the dispute which is the subject matter of impugned FIR has been amicably settled and by this petition a joint request is being made to quash and set aside the said FIR.

5 It is alleged in FIR that marriage of respondent no.2 was solemnized with petitioner no.1 on 24th May, 2014 in accordance with Hindu vedic rites and rituals. Father of respondent no.2 (complainant) had gifted jewellery items in the said marriage. Accused had demanded various articles and in view of the said demand, father of the complainant had parted with amounts to the accused. It is further alleged that complainant was abused and ill treated by accused which had caused mental cruelty to her. Hence, she lodged the aforesaid FIR.

6 Petitioners have contended in the petition that they have resolved the issue and amicably settled the differences after successful mediation before common family members. Respondent no.2 does not wish to proceed with the impugned FIR. It is also stated that respondent no.2 has received an amount of Rs.8,64,000/- from the petitioners and she has also received all her stridhan and belongings. Respondent no.2 does not have any other claim against petitioners. It is, therefore, prayed that FIR may be quashed with the consent of both parties.

7 Respondent no.2 has tendered an affidavit which supports the contention of petitioners. Complainant has stated in the said affidavit that she had filed a petition for divorce by mutual consent under Section 13(b) of the Hindu Marriage Act, 1955 with petitioner no.1 which was numbered as Petition No.F-1757 of 2015. It is further stated that divorce petition is allowed by passing a decree of divorce by the Family Court at Bandra, Mumbai and marriage dated 24th May, 2014 is dissolved. A copy of the decree as well as judgment passed by the Family Court Mumbai dated 6th February, 2016 has been annexed to the

affidavit. It is further stated that due to differences and disputes she had lodged complaint against petitioners, petitioner nos.2 and 3 who are father-in-law and mother-in-law of complainant. She does not have any grievance against petitioners and the entire dispute is finally put to rest. It is also mentioned that she has no objection if the present petition is allowed and proceedings in C.R.No.200 of 2015 is quashed and set aside.

8 We have heard counsel for the respective parties as well as learned APP for respondent - State. We have perused the documents on record including affidavit tendered by respondent no.2. Parties have put an end to their disputes and differences and have arrived at amicable settlement. Petitioner no.1 and respondent no.2 have obtained decree of divorce by mutual consent. Respondent no.2 is also compensated with lump-sum maintenance as stated in the petition which is not denied by her. Complainant has expressed her consent for quashing the F.I.R. The dispute had arisen out of matrimonial differences between the parties and it is of a private nature. Reliance is placed on decision of this Court in the case of **Gian Singh V/s. State of Punjab & Anr.**¹ wherein the Court has observed that in case of

¹(2012) 10 - SCC 303

disputes which are of private nature, the High Court in exercise of its powers can quash the proceedings in the event of amicable settlement between the parties. Taking into consideration the facts and circumstances and the law laid down by the Apex Court, we are inclined to allow this petition and quash the impugned proceedings.

9 Hence, we pass the following order:

:: ORDER ::

- (i) Rule is made absolute.
- (ii) First Information Report dated 18th April, 2016 dated 6th July, 2015, registered with Kurar Police Station, Mumbai vide C.R.No.200 of 2015 for the offences punishable under Sections 498-A, 406, 323, 504 read with Section 34 of the Indian Penal Code is quashed and set aside.
- (iii) Parties to act upon an authenticated copy of this order.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL, J.)