

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

CRIMINAL WRIT PETITION NO. 4041 OF 2017

Mr.Rajendra Jagdamba Dubey .. Petitioner
Vs.
The State of Maharashtra & Anr. .. Respondents

Ms. Shweta I. Singh for petitioner.

Mr.F.R. Shaikh, APP for State.

Mr.S.C. Singh for respondent No.2.

Smt. Jyoti Shambhoonath Tiwari-respondent No.2 is present in Court.

**CORAM : RANJIT MORE &
BHARATI HARISH DANGRE, JJ.
DATE : 12TH OCTOBER 2018**

P.C.

1 Heard the learned counsel for the petitioner, respondent No.2 and the learned APP.

2 Petition is filed seeking quashment of FIR bearing No. 289 of 2016 registered with Mankhurd Police Station at the instance of respondent No.2 for the offences punishable under Section 420 r/w Section 34 of the Indian Penal Code and under Section 4 of the Prohibition of Dowry Act lodged on 20th August 2016.

3 The learned counsel appearing for the respective parties submit that during the pendency of investigation, parties have amicably settled their disputes and have approached this Court for quashing the subject FIR

in this petition.

4 Respondent No.2 is present in Court. Respondent No.2 has filed an affidavit affirmed on 12th October 2018. In paragraph No.3 of the said affidavit, she has stated that she has no objection if the FIR bearing No.289 of 2016 registered under the provisions of Section 420 r/w 34 of IPC and u/s 4 of Prohibition of Dowry Act lodged on 20th August 2016 with Mankhurd Police Station is quashed.

On specific query made by us, she submitted that she has made the said affidavit on her own free will, without there being any pressure or undue influence.

5 In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of *Narinder Singh Vs. State of Punjab*¹, we are of the considered view that there is no impediment in quashing the subject FIR.

6 Notwithstanding disposal of the petition, petitioner is directed to pay a cost of Rs.10,000/- as a donation to TATA Memorial Hospital, an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the petitioner shall pay the said costs and submit the receipt thereof on the file of this Court within a period

1 2014 AIR SCW 2065

of four weeks from today, failing which the petition will stand dismissed automatically without further reference to this Court and the order quashing the FIR shall be treated as *non-est*.

7 Writ Petition accordingly allowed in terms of prayer clauses (a) and accordingly disposed.

(SMT.BHARATI H.DANGRE, J.)

(RANJIT MORE, J.)