

JPP

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

CRIMINAL WRIT PETITION NO. 2318 OF 2021

Ajinkya Anil Patil and Ors.

... Petitioners

V/s.

The State of Maharashtra & Anr.

... Respondents

Ms. Tripti Shetty for the Petitioners

Ms. Gauri Jadhav for the Respondent No.2

Mr. S.R. Shinde, APP for the Respondent - State

***CORAM : NITIN JAMDAR &
SARANG V. KOTWAL, JJ.***

DATE : 27 OCTOBER 2021

P.C. :-

This Petition filed under Article 226 of the Constitution of India and Section 482 of the Code of Criminal Procedure seeks to quash the C.R. No. 147 of 2021, pending before Juna Rajwada Police Station under Section 498A, 452, 427, 323, 504, 506 r/w. 34 of the Indian Penal Code.

2. The FIR was lodged by the Respondent No.2 on 1 April 2021 in respect of the above mentioned offences against the

Petitioner. The Petitioner No.1 is the husband of the Respondent No.2, the Petitioner Nos.2 and 3 are the mother-in-law and father-in-law of the Respondent No.2, and the Petitioner No.4 is the sister-in-law of the Respondent No.2. The FIR was filed with the allegations that the Petitioners meted out harassment to the Respondent No.2 both mental and physical, pursuant to a demand of dowry. The learned Counsel for the Petitioners and the Respondent No.2 state that the parties have resolved the dispute and have filed a petition for divorce by mutual consent at Kolhapur. The consent terms in this Criminal Writ Petition signed by both the parties identified by the Advocates are tendered, which are taken on record and marked 'x'.

3. The Respondent No.2 has also filed an affidavit reiterating that the consent terms dated 12 August 2021 ('x') and has stated that the Respondent No.2 has no objection for quashing the FIR in the light of the consent terms. The learned Counsel for the Petitioners and the Respondent No.2 state that they have interacted with their respective clients and assert what is stated in the affidavit is correct. We do not find any reason to disbelieve the statements made by the learned Counsel on instructions.

4. Having perused the FIR, it is clear that it is a domestic dispute. Though the offence in the FIR is cognizable, the Supreme

Court in the case of *Gian Singh v/s. State of Punjab and Anr.*¹ has laid down that in the circumstances such as domestic dispute, commercial dispute, etc. which does not affect the society at large, the Court has the power to quash the FIR by consent of the parties. The fact situation in the present case falls in that category. It is quite obvious that in the light of the stand taken by the Respondent No.2, the further prosecution would be a formality and harassment to both the parties.

5. In the light thereof, the Petition is allowed in terms of prayer clause (a) and the C.R.No.147 of 2021 pending before the Juna Rajwada Police Station is quashed.

SARANG V. KOTWAL, J.

NITIN JAMDAR, J.

¹ (2012) 10 SCC 303