

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

CRIMINAL WRIT PETITION NO. 338 OF 2019

Ravneet Singh Sawhney & Ors.	..Petitioners
Versus	
The State of Maharashtra & Anr.	..Respondents

Mr. Kaustubh Tripathy for Petitioners.
 Mr. J. P. Yagnik, APP for State/Respondent No.1.
 Mr. J. D'Souza i/b. Bulwork Solicitors for Respondent No.2.

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

DATE : 23 DECEMBER 2021

P.C. :

1. Heard the learned counsel for the parties. Taken up for disposal.

2. The Petition is filed for the following relief:

“a) That by an appropriate order and direction of this Hon’ble Court the criminal case registered by Andheri Police Station as FIR No. 371 of 2017 for the offence u/sec. 498A, 406, 354, 504, 506, 323 r/w. 34 I.P.C. dated 12.7.2017 at the instance of the Respondent No.2 Guneet Kaur Sawhney the same be set aside and quashed and the Petitioners be acquitted of the said offence and their bail bond be cancelled.”

3. The Petitioner No.1 is husband of the Respondent No.2. The Petitioner No.2 is mother-in-law, Petitioner No.3 is father-in-law, Petitioner No.4 is sister-in-law and Petitioner No.5 is brother-in-law of the Respondent No.2. The Petitioner No.6 is the cousin brother of Petitioner No.3.

4. The Respondent No.2 filed an F.I.R. on the allegations that the Petitioners subjected the Respondent No.2 to physical and mental cruelty and also subjected her to harassment on account of demands of dowry.

5. The learned counsel for the Petitioners and the learned counsel for the Respondent No.2 state that the Petitioner No.1 and Respondent No.2 also filed Marriage Petition No.A-3140 of 2016 and consent terms were signed before the Marriage Counselor, Family Court, Bandra. The learned counsel state that the parties have exchanged their ornaments. The consent terms are executed and placed on record of the Family Court, Bandra.

6. The learned counsel for the Respondent No.2 also points out that the Respondent No.2 has withdrawn C.C.No.180/DV/2016 filed by the Respondent No.2 under the Protection of Women from Domestic Violence Act, on 18 January 2020. In this Petition also parties have referred to their consent terms arrived at dated 27 December 2018 and 16 July 2019 and that as per the consent terms present Petition is filed to quash the F.I.R. The Respondent No.2 has

filed an Affidavit, which is taken on record.

7. Having considered the averments in the F.I.R., the stand of Respondent No.2 on affidavit which is reiterated by the learned counsel for the Respondent No.2, on instructions, we find that the genesis of the contents of F.I.R. is a matrimonial dispute, the same is resolved as can be seen from the consent terms and order passed by the learned Magistrate on 18 January 2020.

8. In this situation, keeping the prosecution pending will obstruct further settlement process which is pending in the Family Court, Bandra and it will be a needless harassment to all the parties. Also that, in view of stand taken by the Respondent No.2 is not likely to result in conviction. Accordingly, case is made out for exercise of extraordinary jurisdiction of this court to quash the F.I.R.

9. The Writ Petition is allowed in terms of prayer clause (a) as above.

10. Order accordingly.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)