

JPP

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

CRIMINAL APPLICATION NO. 219 OF 2021

Harshvardhan Nanakprasad Bhalla ... Applicant

V/s.

Ruchi Bhalla @ Ruchi Gulati and Anr. ... Respondents

Mr. Harshman Chavan for the Applicant
Ms. Kajal Joshi for the Respondent No.1
Ms. S.D. Shinde, APP for the Respondent - State

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

DATE : 18 NOVEMBER 2021

P.C. :-

Heard the learned Counsel for the parties.

2. This application is filed under Section 482 of the Code of Criminal Procedure seeking quashing of the RCC No. 2455/PW/2018 pending on the file of the learned 3rd Joint Civil Judge and JMFC, Shivajinagar Court, Pune arising out of FIR being C.R.No.565 of 2017 under Section 498(A), 323, 504 and 506 of the Indian Penal Code.

3. The reason for seeking quashing of the FIR is that the Respondent No.1 and the Applicant have arrived at an amicable settlement. The Respondent No.1, wife of the Petitioner, filed the FIR under Section 498A, 323, 504 and 506 of the Indian Penal Code. The Respondent No.1 complained that she was subjected with physical and mental cruelty and demands for dowry.

4. The learned Counsel for the Petitioner submitted that the parties have arrived at an amicable settlement and an application for divorce by mutual consent is filed in the Family Court at Bhopal under Section 13B of the Hindu Marriage Act and the parties are desirous of putting a quietus to the dispute between them. The Respondent No.1 has filed a reply affidavit wherein the Respondent No.1 has confirmed that the dispute is settled and that the application for divorce by mutual consent is filed and the Respondent No.1 has no objection for quashing of the FIR. The learned Counsel for the Respondent No.1 states that the Respondent No.1 is present in the Court and has understood contents of the affidavit and is reiterating the stand that the FIR can be quashed with her consent.

5. The learned Counsel for the parties have also drawn our attention to the mutual settlement deed between the Petitioner and the Respondent No.1 dated 9 November 2020 wherein the parties have agreed that various cases pending between them will be settled.

There is also a reference to getting the present proceedings quashed by consent.

6. Having considered the record as above and the stand of the parties, it is clear that the parties are attempting to put their dispute behind them and live a peaceful life. For this endeavour of the parties, fact situation squarely falls within the law laid down by the Apex Court in the case of *Gian Singh v/s. State of Punjab and Anr.*¹ wherein the Supreme Court has laid down that the High Court has power under its extraordinary jurisdiction to quash an FIR for the cognizable offence if it does not have serious repercussions on the society and in the cases such as matrimonial disputes.

7. The divorce application by consent and the consent affidavits reiterated by the Respondent No.1 clearly indicate that the consent is without any coercion. In light thereof, the case is made out for quashing of the proceedings.

8. Accordingly, the application is allowed in terms of prayer clause (a).

SARANG V. KOTWAL, J.

NITIN JAMDAR, J.

**JYOTI
PRAKASH
PAWAR**

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¹ (2012) 10 SCC 303