

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2926 OF 2021

Manish Ashok Pandey & Ors.

..Petitioners

Versus

Sudha Manish Pandey

Nee Sudha Kamleshkumar Pandey & Anr.

..Respondents

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Mr. Ketan Kolwankar a/w. Rupal Mishra for Petitioners.

Ms. S. D. Shinde, APP for State/Respondent No.2.

Mr. Vaibhav Jagtap, for Respondent No.1.

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

DATE : 24 NOVEMBER 2021

P.C. :

. This Writ Petition is filed with following prayer:

*“a) That this Hon’ble Court may be pleased to quash and set aside the F.I.R. bearing C.R.No.76/2020, Charge sheet and Case before Metropolitan Magistrate, 72<sup>nd</sup> Court, Vikhroli, bearing number 120/PW/2021 registered by the Tilak Nagar Police Station, against the Petitioners in the interest of justice.”*

2. The Petitioner No.1 is the husband of Respondent No.1, Petitioner No.2 is the father-in-law, Petitioner No.3 is mother-in-law and Petitioner Nos.4 & 5 are sisters-in-law of the Respondent No.1. The Respondent No.1 has filed an F.I.R. under sections 498A, 406, 504 and 506 r/w. Section 34 of the Indian Penal Code alleging that the Respondent No.1 was subjected to mental and physical harassment and demands of dowry.

3. In the petition, it is stated that the Respondent No.1 and the Petitioner No.1 have amicably settled their dispute and have filed consent terms in the Family Court at Bandra. One of the term of the consent terms is that the present F.I.R. and Criminal case can be quashed and the matter can be closed.

4. The Respondent No.1 has filed an affidavit sworn before the officer of this court on 17 August 2021 wherein the Respondent No.1 has reiterated that, in view of settlement, the Respondent No.1 has no objection for quashing of the F.I.R. and the affidavit is filed without being influenced. The learned counsel for the Respondent No.1 reiterates the stand taken by the Respondent No.1, on instructions.

5. We have perused the consent terms and affidavit of the Respondent No.1 which is on record. It is clear that the Respondent No.1 has given affidavit pursuant to the settlement. The settlement between the parties seeks to close all these disputes and if the F.I.R. is

not quashed it will impede in settlement process. It is also clear that the Respondent No.1 will not support the prosecution. Keeping the prosecution pending will be harassment to all the parties.

6. Therefore, this position falls within the ambit of law laid down by the Hon'ble Supreme Court in the case of *Gian Singh Vs. State of Punjab and another*<sup>1</sup>, wherein the Hon'ble Supreme Court has held that the F.I.R. in cognizable offences can be quashed by the High Court with consent of the informant, if does not involve large scale repercussion on the society, such as a matrimonial dispute. The case at hand squarely falls within the *dicta* of the Hon'ble Apex Court. There is no reason shown as to why this position of law should not be extended to the present case.

7. As a result, the Writ Petition is allowed in terms of prayer clause (a), as reproduced above.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)

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<sup>1</sup>(2012) 10 Supreme Court Cases 303