

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

CRIMINAL WRIT PETITION NO. 3897 OF 2021

Mr. Shaleen Harashad Parekh & Ors.

..Petitioners

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Sandeep Dubey for Petitioners.

Mr. Bharat Manghani for Respondent No.2.

Mr. K. V. Saste, APP for State/Respondent No.1.

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

DATE : 13 DECEMBER 2021

P.C. :

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

2. This Petition is filed for the following relief.

“a. This Hon’ble Court by invoking powers u/s 482 of Code of Criminal Procedure, 1973 be pleased to quash the Criminal Case bearing No. 2959/PW/2017 pending on the file of the Hon’ble Metropolitan Magistrate 17th Court at Borivali, Mumbai arising out of C.R.No.154/2017 registered with Kandivali Police Station (Respondent No. 1) at the instance of Respondent No.2 for the offences

punishable under section 498(A), 406, 323, 504 and 34 of the Indian Penal Code, 1860.”

3. The learned counsel for the Petitioners and the learned counsel for the Respondent No.2 states that the parties have resolved their dispute which is a matrimonial dispute and the F.I.R. be quashed by consent of the Respondent No.2. The Affidavit of Respondent No.2 to that effect is filed. The learned counsel for the Respondent No.2 reiterates the contentions in the affidavit on instructions of the Respondent No.2 who is present in the court.

4. Learned counsel for the parties rely upon the decision of the Hon'ble Supreme Court in the case of *Gian Singh Vs. State of Punjab and another*¹ and contends that, in the light of settlement between the parties, F.I.R. can be quashed by consent.

5. The Respondent No.2 filed F.I.R. alleging mental and physical cruelty and demands of dowry as against the Petitioner No.1. The Petitioner No.1 is husband of the Respondent No.2. The Petitioner Nos.2 and 3 are in-laws of the Respondent No.2. In the Family Court at Bandra in Petition No. A-523 of 2018, the Petitioner No.1 and the Respondent No.2 have filed consent terms which referred to payment of permanent maintenance and alimony and withdrawal of cases. The learned counsel for the parties state that these consent terms have been acted upon.

¹(2012) 10 Supreme Court Cases 303

6. The affidavit filed by the Respondent No.2 is in furtherance of consent terms. Therefore, it is clear that the dispute which is a matrimonial dispute does not have large scale repercussion on the society. In the light of settlement between the parties, as above, the contention of the Petitioners that the case falls within the parameters laid down by the Apex Court in the case of *Gian Singh Vs. State of Punjab and another (supra)* will have to be accepted.

7. The Writ Petition is accordingly allowed in terms of prayer clause (a).

8. Order accordingly.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)