

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4163 OF 2021

Vikram Manmohan Singh Khurana & Anr. ..Petitioners  
Versus  
The State of Maharashtra & Anr. ..Respondents

Ms. Sartaj Shaikh for Petitioner.  
Mr. K. V. Saste, APP for State/Respondent No.1.  
Mr. Prashant Pandey a/w. Aigan Z. Memon i/b. W3LEGAL LLP for  
Respondent No.2.

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

DATE : 13 DECEMBER 2021

P.C. :

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

2. The Petition is filed for the following relief.

*“(b) That this Hon’ble Court be pleased to quash the chargesheet vide C.C.No.414/PW/2019 pending before the Ld. Addl. Metropolitan Magistrate, 8<sup>th</sup> Court at Esplanade, Mumbai vide FIR vide C.R. No. 56 of 2018 filed by the Respondent No.2 at Colaba Police Station for alleged offences punishable under section 498 (A), 406, 420, 504, 506, 34 of IPC and*

*section 4 of Dowry Prohibition Act, 1961 against the Petitioners on such terms and conditions as this Hon'ble Court may deem fit and proper.”*

3. The Petitioner No.1 is the husband of the Respondent No.2. The Petitioner No.2 is mother-in-law of the Respondent No.2.

4. The Respondent No.2 filed an F.I.R. as above alleging physical and mental cruelty and that she was subjected to harassment on account of demands for dowry.

5. The marriage between the Petitioner No.1 and the Respondent No.2 was solemnized on 30 June 2017. The Respondent No.2 filed a Petition for divorce before the Family Court, Bandra bearing No. A-1026 of 2020, in which the Petitioner No.1 and the Respondent No.2 filed consent terms on 21 September 2021, wherein the subsisting marriage between them was sought to be dissolved, permanent maintenance and alimony was provided for. The consent terms also referred to pending cases and that the Respondent No.2 will give consent for quashing of present F.I.R.

6. The learned counsel for the Respondent No.2 tenders affidavit of the Respondent No.2 and reiterates the contentions stated in the affidavit of the Respondent No.2, who is present in the Court, as identified by the learned counsel. In the Affidavit the Respondent No.2 has stated that the amount as stipulated in the consent terms has

been received.

7. In the light thereof, it is clear that the dispute between the parties that laid to filing of F.I.R. is a matrimonial dispute and now that the parties have amicably resolved the same and acted upon the consent terms filed in the Family Court. Keeping this F.I.R. pending will be needless harassment to both the parties. The fact situation in this case squarely falls within the law laid down by the Apex Court in the case of *Gian Singh Vs. State of Punjab and another*<sup>1</sup>. Accordingly, a case is made out for grant of relief as prayed for.

8. The Petition is allowed in terms of prayer clause (b).

9. As regards prayer clause (c), based on this order, it is open for the Petitioners to make appropriate representation to the concerned police station.

10. The Writ Petition is disposed of.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)

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