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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1108 OF 2021

Hansraj Ramcharit Tiwari And Anr. .. Applicants

v/s.

Meenakshi Vikaskumar Tiwari And Anr. .. Respondents

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Mr. Abhijeet Kandarkar, for the Applicants.

Mr. Gautam Kanchanpurkar, for Respondent No.1.

Mr. J.P. Yagnik, APP, for Respondent State.

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CORAM: NITIN JAMDAR &
SARANG V. KOTWAL JJ.

DATE : 20 DECEMBER 2021.

P.C:-

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

2. The application is filed for the following relief:

“(b) To quash and set aside First Information Report No.197/2013 lodged with the Bhandup Police Station, Mumbai, Chargesheet and Case No.470/PW/2015 pending before the learned 53rd Metropolitan Magistrate, Mulund, Mumbai.”

3. The reason given for quashing of the FIR is that the parties have resolved their dispute and that Respondent No.1 has given consent for quashing of the FIR. In light thereof, we have considered the facts of the case.

4. Applicant No.3 is the husband of Respondent No.1-the Complainant. Applicant No.1 is his father. Applicant No.2 is his mother. Application No.4 is the brother of Applicant No.3 and Applicant Nos. 5 to 7 are his sisters.

5. Respondent No.1 lodged the FIR under Sections 498A, 406, 323, 504, 506 read with Section 34 of the Indian Penal Code on the ground that the Applicant subjected her to mental and physical cruelty and demands of dowry.

6. In the proceeding pending in the Family Court at Mumbai, Respondent No.1 and Applicant No.3 entered into consent terms, whereby it was agreed that they will obtain divorce by mutual consent. It was also agreed that Applicant No.3 will pay an amount of Rs.17 lakhs (Rupees Seventeen Lakhs only) towards lumpsum maintenance / permanent alimony. The amount to be paid by 15 November 2021. On 15 November 2021, the Family Court, Bandra, Mumbai in Petition No. A-1156 of 2021 allowed the Petition and dissolved the marriage between Applicant No.3 and Respondent No.1 by mutual consent. Consent terms were made part of the decree.

7. The consent terms, which have been made part of the decree of the Family Court, refer to the present FIR and that Respondent No.1 will give consent. Said fact is reiterated by Respondent No.1 by filing an affidavit, whose contents are confirmed by the learned Counsel for Respondent No.1, on instructions of Respondent No.1, stated to be present in the Court, as identified.

8. Considering these facts, it is clear that the dispute, which led to filing of the FIR, was a matrimonial dispute, which is now resolved. The parties have acted on the consent terms filed. No purpose would be served by keeping the prosecution pending. This incident does not have any repercussion on the society at large. Keeping the prosecution pending will be harassment to all, and it may not result in conviction in view of the stand of Respondent No.3. Case is made out for exercise of extra ordinary jurisdiction of this Court.

9. Accordingly, the application is allowed in terms of prayer clause (b) reproduced above.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)