

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

CRIMINAL APPLICATION NO.73 OF 2020

1. Krishan Himanshu Pandya
 2. Himanshu Narendra Pandya
 3. Jayshri Himanshu Pandya ...Applicants
- Versus
1. The State of Maharashtra
 2. Geetanjali Krishna Pandya ...Respondents

Ms. Prabha Badadare i/b Mr. Meghashyam K. Kocharekar, for the Applicants.

Mr.J. P. Yagnik, A.P.P for the Respondent No.1– State.

Mr. Omkar Nagvekar, for the Respondent No.2.

Respondent No.2 is present through video-conferencing.

***CORAM : REVATI MOHITE DERE &
R. N. LADDHA, JJ.***

***DATE : 15th NOVEMBER 2022
(IN CHAMBERS)***

P.C. :

1. Heard learned counsel for the parties.
2. Rule. Rule is made returnable forthwith, with the consent of the parties and is taken up for final disposal. Learned A.P.P waives

notice behalf of the respondent No.1–State. Mr. Nagvekar waives notice on behalf of the respondent No.2.

3. By this application preferred under Section 482 of the Code of Criminal Procedure, the applicants seek quashing of the FIR bearing C.R. No. 78 of 2018 registered with the Koparkhairane Police Station, Navi Mumbai, for the alleged offences punishable under Sections 406, 498A, 323, 504, 506 r/w 34 of the Indian Penal Code. Quashing is sought on the premise, that the parties have amicably settled their dispute.

4. Perused the papers. The applicant No.1 is the husband of the respondent No.2 and the applicant Nos.2 and 3 the in-laws of the respondent No.2 respectively. According to the respondent No.2, she got married to the applicant No.1 on 16th November 2016, as per Hindu rites and rituals at Vashi. She has stated that after marriage, she started residing in her matrimonial house at Ahmedabad. According to the respondent No.2, she was allegedly ill-treated and

harrassed by the applicants, pursuant to which, she filed the aforesaid complaint, which was registered vide C.R. No. 78 of 2018, with the Koparkhairane Police Station, Navi Mumbai, alleging the aforesaid offences. We are informed that charge-sheet has not been filed in the said case, till date.

5. In the interregnum, during the pendency of the aforesaid C.R., the parties amicably settled their dispute. Accordingly, a petition was filed by the applicant No.1 and the respondent No.2 before the learned 7th Joint Civil Judge, Senior Division, Thane in the Marriage Petition No.885 of 2018, seeking dissolution of marriage under Section 13B of the Hindu Marriage Act, pursuant to the consent terms entered into the parties. Accordingly, the learned 7th Joint Civil Judge, Senior Division, Thane vide judgment and order dated 2nd January 2020 allowed the said petition and dissolved the marriage by decree of divorce by mutual consent with effect from 2nd January 2020. It appears that Declaration-Cum-Acknowledgement was entered into between the parties i.e. applicant No.1 and the respondent No.2,

wherein it is stated in detail, the articles handed over by the applicant No.1 to the respondent No.2, including her streedhan. It also appears that pursuant to the settlement, a cheque of Rs.4 lakhs drawn in the name of the respondent No.2 was handed over to the respondent No.2.

6. Learned counsel for the respondent No. 2 as well as the respondent No.2, who is present through video-conferencing acknowledges receipt of the said amount of Rs.4 lakhs as well as all her articles including streedhan. The respondent No.2 has not filed an affidavit, however, when questioned, she states that she has received all her articles and has no objection for quashing of the case, initiated at her behest. Respondent No.2 has been identified by her counsel.

7. Considering the aforesaid, the nature of dispute, the amicable settlement between the parties, the decree of divorce by mutual consent passed by the learned 7th Joint Civil Judge, Senior

Division, Thane, the no objection given by the respondent No.2, who is present through video-conferencing and having regard to the judicial pronouncements of the Apex Court, in *Gian Singh vs. State of Punjab and Another*¹ and *Narinder Singh and Others vs. State of Punjab and Another*², there is no impediment in allowing the application.

8. The Application is accordingly allowed and the FIR bearing C.R. No. 78 of 2018 registered with the Koparkhairane Police Station, Navi Mumbai, is quashed and set aside.

9. Rule is made absolute in the aforesaid terms. Application disposed of accordingly.

All concerned to act on the authenticated copy of this order.

R. N. LADDHA, J.

REVATI MOHITE DERE, J.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466