

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

CRIMINAL WRIT PETITION NO. 295 OF 2019

1. Jithin Jagan
Age – 31 Years, Occ. - Service
2. Jayashree Jagan
Age – 57 Years, Occ. - Housewife
3. Gangadharan Jagan
Age – 64 Years, Occ. - Retired
4. Jinu Jagan
Age – 33 Years, Occ. - Service
5. Gayathri Jagan
Age – 28 Years, Occ. - Housewife

All R/at: T.C. 22/662, Sreevaisakh,
Chiramukku, Manacaud, P.O.
Thiruvanthapuram

... Petitioners

Versus

1. The State of Maharashtra
At the instance of,
Khandeshwar Police Station,
Panvel
2. Mrs. Nayna Jithin @ Nayana Mohandas
Age: 32 Years Occupation: Service,
Residing at T.S. Mohandas CHS Flat no.3,

Plot No.21, Sector – 13, Khanda Colony,
Talkaveri, Khandeshwar,
Panvel, District: Raigad

... Respondents

...

Mr. Dushyant Purekar a/w Ms. Sharvari Joshi, Advocate for the
Petitioners.

Mr. S. S. Hulke, APP for State.

Mr. Vinayak Kumbhar, Advocate for Respondent No.2.

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

DATE : 29th NOVEMBER, 2022.

ORDER (Per R. N. Laddha, J.) :

Heard learned Counsel, for the parties.

2. Rule. The Rule is made returnable forthwith with the
consent of and at the request of the learned Counsel for the parties.

3. By this petition, the petitioners seek to quash the FIR
No.82 of 2018 lodged with the Khandeshwar Police Station, at the
instance of Respondent No.2 for the alleged offences punishable
under Sections 498A, 323, 504, 506 read with Section 34 of the
Indian Penal Code. Quashing is sought on the premise that the

parties have amicably settled their dispute.

4. Perused the papers. Petitioner No.1 is the husband, Petitioner Nos. 2 and 3 are in-laws, Petitioner No.4 is a brother-in-law, and Petitioner No.5 is a sister-in-law, respectively, of Respondent No.2. It reveals from the record that after marriage Respondent No.2 started residing at her matrimonial home with the Petitioners. Post marriage, Respondent No.2 has alleged harassment and ill-treatment by the Petitioners, pursuant to which she lodged the FIR above against the Petitioners.

5. In addition to the aforesaid FIR, Respondent No.2 had also preferred an application under the provisions of the Protection of Women and Children from Domestic Violence Act, 2005, before the Judicial Magistrate First Class at Panvel. In the said application, Respondent No.2 and Petitioner No.1 herein have filed the consent terms. As per the consent terms, Petitioner No.1 agreed to dissolve the marriage by mutual consent. Accordingly, they have filed a petition for mutual divorce. The said petition was allowed, and the concerned Court passed a decree of divorce on 5th April 2019. As per the consent terms, Petitioner No.1 has agreed to pay the total amount of Rs.24 lakhs as the full and final settlement by way of permanent alimony to Respondent no.2. The parties have decided to withdraw all the allegations against one another

and separate amicably. The parties assure that they will abide by the terms and conditions set out in the consent terms.

6. Respondent No.2 has filed her affidavit dated 6th February 2021, duly affirmed before the Notary. In the affidavit, she stated that she has no objection to quashing of the said FIR registered at her behest. On questioning, she reiterates what is stated in her affidavit and further states that she has no objection to the quashing of the aforesaid FIR bearing no. 82 of 2018, registered with Khandeshwar Police Station. Respondent No.2 has been identified by her Counsel. Learned counsel for Respondent No.2 has tendered a self-attested photocopy of the Aadhar Card of Respondent No.2. The same is taken on record. The learned APP verified the original Aadhar Card. We are informed that the charge-sheet has not yet been filed.

7. Learned APP submits that appropriate orders in the matter may be passed.

8. The dispute being matrimonial is a private dispute, which has now been amicably settled and the rival parties vouch for the same and the judicial pronouncements of the Apex Court in

this regard in *Gian Singh Vs. State of Punjab & Anr.*¹ And *Narinder Singh & Ors. Vs. State of Punjab & Anr.*², we see no impediment in allowing the petition.

9. The petition is accordingly, allowed and the FIR No.82 of 2018, registered with the Khandeshwar Police Station, is quashed and set aside.

10. Rule is made absolute. There shall be no order for costs.

11. Learned Counsel for Respondent No.2 to file his Vakalatnama, if not filed, within two weeks of the uploading of this order.

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

R. N. LADDHA, J.

REVATI MOHITE DERE, J.

BIPIN
DHARMENDER
PRITHIANI

Digitally signed by
BIPIN DHARMENDER
PRITHIANI
Date: 2022.12.05
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1 (2012)10 SCC 303

2 (2014) 6 SCC 466