

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

CRIMINAL WRIT PETITION NO.380 OF 2022

1. Pratik Prabhakar Desale
 2. Prabhakar Sitaram Desale
 3. Rekha Prabhakar Desale
 4. Smita Rahulkumar Patil
 5. Rahulkumar Prakash Patil
- ...Petitioners.

Versus

1. The State of Maharashtra
 2. Karishma Pratish Patil
- ...Respondents

Mr. Amul M. Thombre i/b Mr. Sachin B. Chandan, for the Petitioners.

Mr. Y. M. Nakhwa, A.P.P for the Respondent No.1– State.

Mr. Himneel R. B. for the Respondent No.2.

PSI – Amol Khade, Khandeshwar Police Station, Navi Mumbai, is present.

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

DATE : 21st NOVEMBER 2022

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

3. By this petition, the petitioners seek quashing of the FIR bearing C.R. No. I-69 of 2021 registered with the Khandeshwar Police Station, Navi Mumbai, for the alleged offences punishable under Sections 498A, 420, 406, 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 petitioner No.1 is the husband of the respondent No.2, petitioner Nos. 2 and 3 are the in-laws of the respondent No.2, petitioner No.4 is the sister-in-law of the respondent No.2 and petitioner No.5 is the brother-in-law of the petitioner No.1. It appears that the petitioner No.1 and the respondent No.2 got married on 7th May, 2018 as per Hindu rites and rituals. Post marriage, as the respondent No.2 was allegedly harassed / ill-treated by the petitioners, she lodged a complaint/FIR, which was

registered vide C.R.No. I-69 of 2021 with the Khandeshwar Police Station, Navi Mumbai. It appears that post lodging of the FIR, the parties have amicably settled their dispute and entered into the Consent Terms. We are informed that charge-sheet has not been filed in the said case, till date.

5. Learned Counsel for the respondent No.2 on the last date tendered an affidavit of the respondent No.2. Today, the learned counsel for the respondent No.2 has tendered a Compromise Deed entered into between the parties. The said Compromise Deed has been filed by the petitioner Nos.1 and 3 as well as the respondent No.2. We are informed that pursuant to the said Compromise Deed, the petitioner No.1 has paid a sum of Rs.5 lakhs, by way of permanent alimony to the respondent No.2. It also appears that the streedhan has been returned and as such the respondent No.2 has no grievance. A copy of the Compromise Deed filed before the Aurangabad Bench, is taken on record. Respondent No. 2 is present in Court. On being questioned, she re-iterates that she has no

objection to the quashing of the FIR, in view of the Compromise Deed entered into between the parties. She further states that she has received Rs.5 lakhs from the petitioner No.1 as well as her streedhan. Learned Counsel for the respondent No. 2 has tendered a self attested photocopy of the aadhar card of the respondent No. 2. The same is taken on record. Learned Counsel for the respondent No.2 has identified the respondent No.2 and the learned APP has also verified the original aadhar card of the respondent No.2.

6. The petitioner No.1 is present in Court. He undertakes to this Court to remain present before the Aurangabad Bench, tomorrow i.e. 22nd November 2022, in the petition filed by the respondent No.2 for quashing of the case, registered at the behest of the petitioner No.1. Statement accepted.

7. Considering the nature of dispute, the amicable settlement between the parties i.e the Compromise Deed entered into between them, the affidavit of the respondent No.2 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 petition.

8. The petition is accordingly allowed and the FIR bearing C.R. No. I-69 of 2021 registered with the Khandeshwar Police Station, Navi Mumbai, is quashed and set aside.

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

10. 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