

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

CRIMINAL WRIT PETITION NO. 368 OF 2022

1. Abhilash Harsh Ruhela
2. Sunita Haresh Ruhela
3. Haresh Ruhela ... Petitioners

Versus

1. State of Maharashtra
2. Shivani Abhilash Ruhela ... Respondents

Mr. Harshwardhan Salgaonkar i/by Mr. Tejas Mane for the
Petitioners.

Mr. Amit Jha for the Respondent No.2.

Ms. M. H. Mhatre, APP for the Respondent No.1-State.

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

DATE : 11th NOVEMBER, 2022

JUDGMENT (Per R. N. Laddha, J.) :-

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 APP waives notice on behalf of respondent no.1-State. Mr Amit Jha waives notice on behalf of respondent no.2.

3. By this petition, the petitioners seek to quash the FIR bearing C. R. No. 377 of 2021 registered with the Navghar Police Station, Dist. Mira-Bhayander, for the alleged offences punishable under Sections 498-A, 504, 506 r/w 34 of the Indian Penal Code. Quashing is sought on the premise that the parties have amicably settled their dispute and that respondent no.2 has no objection to the quashing of the same.

4. Perused the papers. Petitioner no.1 is the husband of respondent no.2 and the petitioner nos. 2 and 3 are the in-laws of respondent no.2. Petitioner no.1 got married to respondent no.2 on 29th November 2020. After marriage, respondent no.2 started residing at her matrimonial home with the petitioners. Since there was marital discord/differences post-marriage, respondent no.2 lodged the FIR described above on 19th May 2021 against the petitioners alleging that the petitioners were demanding Rs.9,00,000/- from her father. Allegations of being ill-treated by the petitioners were also made. Respondent No.2 has alleged that she was forced to leave her matrimonial home.

5. Learned counsel for the petitioners submits that the alleged incidents between the petitioners and respondent no.2 were purely on account of miscommunication, and that the alleged offences were registered due to some misunderstanding between the parties.

6. In the meantime, during the pendency of the petition, the parties resolved their dispute amicably and entered into consent terms. Petitioner no.1 and respondent no.2 have decided to separate and have accordingly preferred a petition seeking divorce by mutual consent before the learned Civil Judge, Senior Division, Thane. The petition is pending before the said Court. The parties have decided to withdraw all the allegations against one another and separate amicably. As per the consent terms, the petitioner no.1 has agreed to pay a lumpsum amount of Rs.4,50,000/- to respondent no.2. We are informed that a sum of Rs.1,50,000/- was already paid to the respondent no.2 vide Demand Draft bearing No. 056023 dated 16th December 2021, drawn on Axis Bank and further, a Demand Draft of Rs.2,50,000/- has been

handed over to the respondent no.2 pursuant to the terms of the settlement. We are informed that the balance amount of Rs.50,000/- is to be paid, as per the terms set out in the consent terms. The parties assure that they will abide by the terms and conditions stipulated in the consent terms.

7. Respondent no.2 has filed the affidavits dated 21st January 2022 and 11th November 2022, duly affirmed before the Notary. In these affidavits, respondent no.2 has stated that she has no objection to quashing of the said FIR registered at her behest. Respondent no.2 is present in person. On questioning, she reiterates what is stated by her in her affidavits and further states that she has no objection to the quashing of the FIR above bearing C. R. No. 377 of 2021 registered with the Navghar Police Station, Dist. Mira-Bhayander. Respondent no.2 has been identified by her counsel.

8. 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 and the original Aadhar Card is verified

by the learned APP. We have informed that the charge-sheet as yet, has not been filed.

9. Considering the nature of the dispute, the relations between the parties, the amicable settlement between them, the affidavits of respondent no.2, the consent terms entered into between the parties and having regard to the judicial pronouncements of the Apex Court in *Gian Singh v/s. State of Punjab & Anr*¹ and *Narinder Singh & Ors. v/s. State of Punjab & Anr.*², there is no impediment in allowing the petition.

10. The petition is accordingly allowed, and the FIR bearing C.R. No. 377 of 2021 registered with Navghar Police Station is quashed and set aside.

11. Rule is made absolute in the terms above. The petition is disposed of accordingly.

R. N. LADDHA, J.

REVATI MOHITE DERE, J.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466