

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

CRIMINAL APPLICATION NO.146 OF 2022

- | | | |
|----|--------------------------|----------------|
| 1. | Suraj Mewalal Sharma | |
| 2. | Rama Mewalal Sharma | |
| 3. | Vishal Mewalal Sharma | ...Applicants |
| | Versus | |
| 1. | The State of Maharashtra | |
| 2. | Disha Suraj Sharma | ...Respondents |

Mr. Himanshu Shinde a/w Mr. Sadashiv Vaidya, for the Applicants.

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

Mr. Suraj Vishwakarma i/b SRV Legal LLP, for the Respondent No.2.

***CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.***

DATE : 14th SEPTEMBER 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 service on behalf of the respondent No.1–State. Mr. Vishwakarma waives service on behalf of the respondent No.2.

3. By this application, the applicants seek quashing of the FIR bearing C.R. No. 373 of 2018 registered with the Dahisar Police Station, Mumbai, for the alleged offence punishable under Sections 498A, 323, 406, 504, 506 r/w 34 of the Indian Penal Code.

4. Learned Counsel for the applicants submits that post the registration of the aforesaid C.R., the parties have resolved their dispute amicably and that the applicant No.1 – husband and respondent No.2 – wife have filed the consent terms in the Family Court at Bandra, Mumbai in Marriage Petition No. A-1866 of 2020.

5. Learned Counsel for the respondent No. 2 does not dispute the fact that the parties have amicably resolved their dispute and have entered into consent terms before the Family Court at Bandra, Mumbai. Learned Counsel for the respondent No.2 has filed an affidavit of the respondent No.2 dated 28th April 2022, which is on page 45 of the application. In the said affidavit, the respondent No.2 has stated that she has amicably settled with the applicants and that a

petition has been filed for seeking divorce by mutual consent. She has further in para 14 of the said affidavit, given her no objection for quashing of the aforesaid FIR and all consequential proceedings arising therefrom. Respondent No. 2 is present in Court. On questioning, she re-iterates what is stated by her in her affidavit. Learned Counsel for the respondent No. 2 has tendered a self attested xerox copy 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.

6. Learned APP has verified the aadhar card of the respondent No.2.

7. Perused the papers. The applicant No.1 is the husband of the respondent No.2 and the applicant Nos.2 and 3, are the mother-in-law and the brother-in-law of the respondent No.2 respectively. It appears that the applicant No.1 and the respondent No.2 got married

in 2011, pursuant to which, there was some marital discord between the respondent No.2 and the applicant No.1. It appears that pursuant thereto, the respondent No.2 lodged a complaint, which was registered vide C.R. No. 373 of 2018 registered with the Dahisar Police Station, Mumbai, alleging the aforesaid offences. It appears that post the registration of the said case, the parties amicably settled their dispute and the applicant No.1 and the respondent No.2 have filed consent terms in Marriage Petition No. A-1866 of 2020 before the Family Court at Bandra, Mumbai. The said consent terms are at 'Exhibit – C', page 35 of the application. As per the consent terms, the parties are to take all steps to withdraw the cases initiated against each other. Learned Counsel for the respondent No.2 has filed her affidavit giving her no objection for quashing of aforesaid C.R. No. 373 of 2018 registered with the Dahisar Police Station, Mumbai.

8. Considering the relations between the parties, the nature of dispute 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.

9. The application is accordingly allowed and the FIR bearing C.R. No. 373 of 2018 registered with the Dahisar Police Station, Mumbai and the proceeding arising therefrom, are quashed and set-aside.

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

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466