

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

CRIMINAL APPLICATION NO.265 OF 2022

1. Swapnil Dnyandev More
 2. Dnyandev Ragho More
 3. Kamal @Geeta Dnyandev More
 4. Sraika Dnyandev More
- ...Applicants

Versus

1. State of Maharashtra
 2. Sonali Swapnil More
- ...Respondents

Mr. Niranjan Kandale i/b Mr. Ganesh N. Dhonde, for the Applicants.

Ms. M. H. Mhatre, A.P.P for the Respondent No.1– State.

Ms. Ruchi Bisht, for the Respondent No.2.

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

DATE : 11th NOVEMBER 2022

P.C. :

Mentioned out of turn.

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. Ms. Bisht 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.82 of 2016 registered with the Mahad Police Station, Raigad, for the alleged offences punishable under Sections 498A, 406, 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, the applicant Nos.2 and 3 the in-laws and the applicant No.4, the sister-in-law of the respondent No.2 respectively. It appears that the applicant No.1 got married to the respondent No.2 on 31st May 2015, after which the respondent No.2 started residing with the applicants. It appears that post marriage, there were some matrimonial issues between the parties. The respondent No.2 has alleged that the applicants have harassed her mentally and physically, pursuant to which, she lodged the aforesaid C.R. with the Mahad

Police Station, Raigad, alleging the aforesaid offences. It appears that after investigation, charge-sheet was filed in the said case and presently the case is pending before the learned Civil Judge Junior Division, JMFC Court at Mahad, Raigad being R.C.C. No.09 of 2017.

5. During the pendency of the aforesaid proceeding, the parties amicably settled their dispute. Accordingly, the divorce petition filed by the applicant No.1 before the learned Judge, Family Court, Thane, was converted into a petition under Section 13-B of the Hindu Marriage Act. In the said petition, the parties filed consent terms. The said consent terms are annexed to the additional affidavit of the applicant No.1, at page 61 of the application. We are informed that pursuant to the consent terms entered into between the parties i.e. the applicant No.1 and the respondent No.2, the learned Judge, Family Court, Thane, has passed a decree of divorce by mutual consent vide Judgment and Order dated 22nd August 2022. The said Judgment and Order is at page 66 of the application.

6. 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 and the learned APP has verified the aadhar card of the respondent No.2. The respondent No.2 has identified her signature as it appears in the consent terms executed by her in the Family Court at Thane. Respondent No. 2 is present in Court. On questioning, she re-iterates what is stated by her in her affidavit. She states that she has received her streedhan/belongings and that she has no objection to the quashing of the aforesaid FIR/proceeding. It appears from the consent terms that the respondent No.2 is to receive a sum of Rs.12,50,000/-, after the aforesaid FIR is quashed.

7. Considering the nature of dispute, the relations between the parties, the consent terms entered into between the parties 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.82 of 2016 registered with the Mahad Police Station, Raigad, is quashed and set aside and consequently the proceeding pending before the learned Civil Judge Junior Division, JMFC Court at Mahad, Raigad being R.C.C. No.09 of 2017, is also quashed and set-aside.

9. The respondent No.2 is at liberty to withdraw the amount as per the consent terms which is deposited by the applicant No.1 in the Family Court, Thane.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

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.

R. N. LADDHA, J.

REVATI MOHITE DERE, J.