

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

WRIT PETITION NO. 572 OF 2022

Mr. Parrvindar Makhan Singh Saini & Ors. ...Petitioners

Versus

The State of Maharashtra & Anr. ...Respondents

Mr. Sujit Pathak, Advocate for the Petitioners.
Mr. Mohammed Tajammul Husain, for Respondent No. 2.
Mrs. Aruna S. Pai, PP for the State.

**CORAM : PRASANNA B. VARALE AND
SURENDRA P. TAVADE, JJ.**

DATE : 28th FEBRUARY, 2022.

P.C. :

. Heard learned Counsel for the Petitioners, Respondent No. 2
and the learned P.P. for the Respondent-State.

2. The Petitioners have approached this Court for seeking
quashment of FIR No. 47 of 2019, registered with Andheri Police
Station, Mumbai, for the offence punishable under Sections 498-A,
406, 323, 504 r/w 34 of Indian Penal Code.

3. The facts giving rise to the present petition can be summarized
as under:

The marriage between Petitioner No. 1 and Respondent No. 2 was solemnized on 28th October, 2017 as per Sikh rites and ceremonies at Gurudwara situated at Nerul, Navi Mumbai. After the marriage, Respondent No. 2 came to the house of Petitioners for cohabitation. Soon after the marriage, dispute started between the Petitioners and Respondent No. 2, hence, Respondent No. 2 lodged FIR No. 47 of 2019 with Andheri Police Station, Mumbai, wherein she has alleged that in the marriage, her parents have given ornaments and other articles to her. She alleged that within ten days after the marriage, Petitioner No. 1 started harassing her and it is also alleged that Petitioner No. 1 used to abuse and assaulted Respondent No. 2. It is alleged that the Petitioners were demanding an amount of Rs.35,00,000/- from her. The said demand was not fulfilled by Respondent No. 2. It is also alleged against Petitioner No. 1 that he had extra marital affair, hence, the FIR came to be registered.

4. During the pendency of criminal case, Petitioner No. 1 filed petition for divorce by mutual consent, wherein he has agreed to pay an amount of Rs.12,85,000/- to Respondent No. 2 as full and final settlement towards her claim of shelter and permanent alimony. The parties have decided to withdraw the cases filed against each other. Accordingly consent terms were filed before the Family Court, Bandra, Mumbai. Respondent No. 2 has also filed the copy of the same which is at Exhibit- D. The said consent terms bears the signatures of Petitioner No. 1 and Respondent No. 2. The Petitioners has also

produced on record the copy of cheque amount to Rs.12,85,000/-, which was deposited in the Family Court, Bandra. In view of the above facts, learned Counsel for the Petitioners submits that the parties have amicably settled the matter, therefore the FIR lodged by Respondent No. 2 be quashed and set aside. Respondent No. 2 is present before the Court. On specific query put to her she admitted that she had settled the dispute with the Petitioners. She also admits that the Petitioners had deposited the said amount of Rs.12,85,000/- with Family court, Bandra. She also admits that subject to withdrawal of the present FIR, she will get the said amount from the Family Court, Bandra. She also reiterates that she has no objection for quashing the FIR lodged against the Petitioners.

5. Considering the above referred facts, we are of the opinion that continuation of the proceedings arising out of FIR No. 47 of 2019, would be nothing but an act of futility and we are of the opinion that learned Counsel for the Petitioners has made out a case for allowing the petition.

6. In these circumstances and especially in view of the law laid down by the Apex Court in the case of **B.S.Joshi V/s. State of Haryana AIR 2003 SC 1386** we are of the view that no purpose would be served by keeping the criminal proceedings except burdening the Criminal Courts which are pending already overburdened. In that view of the matter and in the interests of

Justice, the subject FIR is required to be quashed.

7. In view of the above, the petition is allowed in terms of prayer clause 'a' and disposed of accordingly.

(SURENDRA P. TAVADE, J.)

(PRASANNA B. VARALE, J.)