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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1584 OF 2022**

Sandeep P. Kolhe and ors.

... Petitioners

V/s.

State of Maharashtra and anr.

... Respondents

Mr. Swapnil Newaskar for the Petitioners.

Mrs.M.H. Mhatre, APP for the Respondent/State.

Ms Pranoti A. Moghe for Respondent No.2.

**CORAM : NITIN JAMDAR &
N.R. BORKAR, JJ.**

DATE : 13 JULY 2022.

P.C.

. The present petition under Article 226 of the Constitution of India read with Section 482 of Code of Criminal Procedure, 1973 is filed to quash the First Information Report No.152 of 2019 (hereinafter referred to as "FIR", for short) dated 28 March 2019 registered at Kalwa Police Station, Thane against the Petitioners for the offences punishable under Sections 498-A, 406, 323, 504 and 506 read with 34 of Indian Penal Code and Regular Criminal Case No.2168 of 2019 pending on the file of Judicial Magistrate First Class, Thane.

2. The aforesaid crime came to be registered at the instance of Respondent No.2, who has alleged that she was subjected to mental

and physical cruelty at the hands of her husband and in-laws. The Petitioner No.1 is the husband of Respondent No.2 and the Petitioner Nos.2, 3 and 4 are her father-in-law, mother-in-law and sister-in-law respectively.

3. The learned Counsel for the Petitioners and the Respondent No.2 jointly submit that the parties have amicably settled the dispute and now they are cohabiting together. It is submitted that no purpose would be served by keeping the prosecution alive, in view of the settlement arrived at between the parties. The learned Counsel for the parties submit that the present case is squarely covered by the law laid down by the Hon'ble Supreme Court in the case of *Gian Singh vs. State of Punjab*¹.

4. The Respondent No.2 has filed the consent affidavit dated 7 June 2022. Respondent No.2 has stated that pursuant to amicable settlement, she went back to her matrimonial home and they are cohabiting together. Respondent No.2 has stated that she has no objection if the proceedings and FIR in question are quashed in view of the settlement arrived at between the parties.

5. The Hon'ble Supreme Court in the case of *Gian Singh (supra)* has held :

“But the criminal cases having overwhelmingly and predominately civil flavour stand on a different footing

¹ (2012) 10 SCC 303

for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim.”

6. We have examined the facts of the present case in the light of law laid down by the Hon'ble Supreme Court in *Gian Singh's* case. It appears that Petitioner No.1 has withdrawn the divorce petition filed by him and now the parties are cohabiting together. The main reason for filing of the FIR appears to be matrimonial dispute which is now resolved. The allegations are totally of personal nature. In view of the settlement between the parties, Respondent No.2 is not going to support the prosecution case and therefore, possibility of conviction is remote and bleak. Nothing fruitful will therefore come out of the prosecution in question. Considering these facts and circumstances, the petition deserves to be allowed. Hence, the Petition is allowed in terms of prayer clause (A), which reads thus:

“(A) The Impugned FIR No.152/2019, dated 28/03/2019, registered U/s.49A,323,406,504,506,34 of IPC, and registered with Kalwa Police Station, Thane along with Final Report/Charge Sheet bearing No.212 of 2019 dated 20/07/2019 and the entire preceding of case bearing No.R.C.C./2168/2019 before the Hon’ble JMFC Court at Thane further with NC No.382/2018 dated 01/04/2018 before Indira Nagar police station may please be quashed and set aside.”

7. The Petition is disposed of.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)