

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

CRIMINAL WRIT PETITION NO. 1371 OF 2020

1. Satish Anant Kadam
Age – 38 Years, Occupation – Service

2. Anant Jayram Kadam
Age – 62 Years, Occupation – Retired

Both Residing at – Room No. 303, B Wing,
3rd Floor, Rushikutir, Near Manvel Lake,
Manvel Pada, Virar (East),
Dist. Palghar – 401 305.

... Petitioners.

Versus

1. The State of Maharashtra
Through Senior Inspector,
Badlapur East Police Station,
Badlapur, Dist. Thane, Maharashtra.

2. Mrs. Sharmila Satish Kadam
Age – 31 Years, Occupation – Service,
Residing at – Room No. 105, B Wing,
1st Floor, Bhagirathi Vishwa Apartment,
Shree-Krushna Nagar, Apatewadi,
Badlapur (East), Dist. Thane – 421 503. ... Respondents

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Mr. Hrushikesh Damle, Advocate for the Petitioners.

Mr. Deven Arun Jogdev for the Respondent No.2.

Mrs. P. P. Shinde, APP for State.

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

DATE : 22nd NOVEMBER, 2022.

ORDER (Per R. N. Laddha, J.) :

Heard learned Counsel, for the parties.

2. Rule. The Rule is made returnable forthwith with the consent of and at the request of the learned Counsel for the parties.

3. By this petition, the petitioners seek to quash FIR No.04 of 2014, lodged with Badlapur East Police Station, Dist. Thane, at the instance of Respondent No.2 for the alleged offences punishable under Section 498A read with Section 34 of the Indian Penal Code and the Criminal Case bearing Regular Criminal Case No.427/2014 pending on the file of Judicial Magistrate First Class, 7th Court, Ulhasnagar, arising out of the said FIR. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. Perused the papers. It revealed from the record that

Petitioner No.1 is the husband of Respondent No.2 and Petitioner No.2 is the father-in-law of the Respondent No.2. After marriage, Respondent No.2 started residing at her matrimonial home with the Petitioners. Post marriage, Respondent No.2 has alleged harassment and ill-treatment by the Petitioners, pursuant to which she lodged the FIR above against the Petitioners.

5. During the pendency of the aforesaid FIR, we are informed that the parties have amicably settled the dispute. It is submitted that no purpose would be served by keeping the prosecution alive, given the settlement between the parties. The learned Counsel for the parties submits that the present case is squarely covered by the law laid by the Hon'ble Supreme Court in the case of *Gian Singh Vs. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. Vs. State of Punjab & Anr.*².

6. Learned Counsel for Respondent No.2 has filed the consent affidavit dated 28th December 2020, duly affirmed before the Notary and a photocopy of the Aadhar Card duly attested by her. Respondent No.2 is present before the Court and stated that she has no objection if the FIR and the Criminal Case in question are quashed against the Petitioners in view of the settlement arrived at between the parties. Respondent No.2 has been identified by

1 (2012)10 SCC 303

2 (2014) 6 SCC 466

her Counsel. The learned APP has verified the original Aadhar Card.

7. The learned APP for Respondent No.1 submits that appropriate orders may be passed.

8. We have examined the facts of the present case in light of the law laid down by the Hon'ble Supreme Court in ***Gian Singh Vs. State of Punjab & Anr. and Narinder Singh & Ors. Vs. State of Punjab & Anr. (supra)***. The reason for filing the FIR appears to be matrimonial dispute. The allegations are personal. In view of the settlement between the parties, Respondent No.2 is not going to support the prosecution case and therefore, the 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 present Criminal Writ Petition is allowed in terms of prayer clauses (a) and (b), which read thus.

“(a) That this Honourable Court be pleased to quash the FIR No.I 04/2014 dated 12.01.2014 u/s. 498(A) R/W. Section 34 of the Indian Penal Code lodged at Badlapur East Police Station against the Petitioners, in the interest of justice;

(b) That this Honourable Court be pleased to quash the Regular Criminal Case No.427/2014 pending against the Petitioners before the Honourable 7th Court of Judicial Magistrate of First

*Class at Ulhasnagar and charges framed there-
under, in the interest of justice.”*

9. Rule is made absolute. There shall be no order for costs.
10. Learned Counsel for Respondent No.2 to file his Vakalatnama, if not filed, within two weeks of the uploading of this order.
11. All concerned parties are to act on the authenticated copy of this order.

R. N. LADDHA, J.

REVATI MOHITE DERE, J.

BIPIN
DHARMENDER
PRITHIANI

Digitally signed by BIPIN
DHARMENDER PRITHIANI
Date: 2022.12.05 18:42:04
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