

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 223 OF 2022**

Mukul Mohan Mandal ... Applicant

Versus

The State of Maharashtra and another ... Respondents

.....

Mr. Sudhir Chaudhary for the Applicant.

Smt. A.S.Pai, PP for the State.

Ms. Kaynat Mirza for Respondent No.2.

.....

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

DATED : 18 AUGUST 2022

P.C. :-

. The present Application under Section 482 of the Code of Criminal Procedure, 1973 is filed to quash the First Information Report No. 1307 of 2021 (hereinafter referred to as “FIR”, for short) dated 27 December 2021 registered at Virar Police Station against the Applicant for the offence punishable under Sections 498A, 323, 504 and 506 of the Indian Penal Code, 1860.

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 Applicant-her husband.

3. The learned Counsel for the Applicant and the Respondent No.2 jointly submit that the parties have amicably settled the dispute. It is submitted that the parties have filed the consent terms in the petition filed for divorce before the Family Court at Bandra, Mumbai. 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 consent affidavit dated 10 May 2022. The Respondent No.2 has stated that she has no objection if the FIR in question is 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 predominatingly civil flavour stand on a different footing 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

1 (2012) 10 SCC 303

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 parties have filed consent terms in the Petition filed for divorce, before the Family Court at Bandra. The main reason for filing of the FIR appears to be matrimonial discord. The allegations are totally of personal in 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. Apart from it, if the FIR is not quashed, the settlement arrived at between the parties would be disrupted. Considering these facts and circumstances, the petition deserves to be allowed. Hence, the Criminal Application is allowed in terms of prayer clause (a), which reads thus:

“a) This Hon’ble Court be pleased to quash and set aside the FIR in CR No.1307/2021 filed by the org. complainant and registered in Virar Police Station on 27/12/2021.”

7. The Criminal Application is disposed of.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)

KANCHAN
PRASHANT
DHURI

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by KANCHAN
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