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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 281 OF 2022

1. Anand Jeetmal Parekh
2. Jeetmal Bhoorchand Parekh
3. Kamla Jeetmal Parekh
4. Rahul Jeetmal Parekh
5. Ratna Rahul Parekh

...Applicants

Versus

1. The State of Maharashtra
2. Amita Anand Parekh

...Respondents

Mr. Vikram R. Sutaria for the Applicants.

Mr. K.V.Saste, A.P.P for the Respondent-State.

Ms. Pinaz Contractor for the Respondent No.2.

CORAM : REVATI MOHITE DERE &
R. N. LADDHA, JJ.
DATE : 15th NOVEMBER, 2022

P.C. :

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. Pinaz Contractor waives notice on behalf of the respondent No.2.

3. By this application, preferred under Section 482 of the Criminal Procedure Code r/w Article 226 of the Constitution of India, the applicants seek quashing of the FIR bearing C.R. No. 210 of 2021 registered with the Marine Drive Police Station, Mumbai, for the alleged offences punishable under Sections 323, 406, 498-A, 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 are the in-laws and the applicant Nos.4 and 5 are the brother-in-law and sister-in-law of the respondent No.2. It appears that the applicant No.1 and the respondent No.2 got married on 22nd January, 1999. After marriage, the respondent No.2 started residing in her matrimonial home. From the said marriage, the couple have two children, aged 20 and 16 years

respectively. According to the respondent No.2, she filed the aforesaid FIR due to the harassment / ill-treatment meted out to her, by the applicant. We are informed that chargesheet has not been filed in the said case, till date.

5. During the pendency of the aforesaid proceeding, the parties amicably settled their dispute and as such, entered into Consent Terms on 11th February, 2022. The said Consent Terms are at Exhibit – B at page 24 of the application. From the said Consent Terms, it appears that the parties have decided to forgive and forget each other, to live a happy married life and to jointly look after their children. We are informed that the parties have been living together, for the last 11 months. It appears that the applicant No.1 had also filed a divorce petition in the Family Court at Ahmedabad, as against the respondent No.2. Admittedly, the said divorce petition has been unconditionally withdrawn by the applicant No.1 herein, on 20th January, 2022. The respondent No.2 had filed another FIR i.e. C.R.No. 277 of 2022, as against the applicant before the Cyber Crime Branch, Bandra-Kurla Complex, Mumbai, for uploading objectionable material. By a

separate order passed today, we have quashed the said C.R. in view of the amicable settlement between the parties.

6. Learned Counsel for the respondent No.2 has tendered a Consent Affidavit of the respondent No.2 dated 1st March, 2022, duly notarized before the Notary. The said affidavit is at page 29 of the application. In the said affidavit, the respondent No.2 has stated that due to some misunderstanding, difference in lifestyle, the complaint was lodged, however, the matter was subsequently, amicably settled and the parties have re-united and are staying together and that, she has no objection for quashing of the instant FIR, as well as, the FIR lodged by her with the Cyber Cell.

7. The respondent No.2 is present in person. On questioning, she re-iterates what is stated by her in her affidavit. She states that she has been staying with the applicant No.1 for the last 11 months and as such, has no objection for quashing of the aforesaid FIR. The respondent No.2 has been identified by her Counsel. Learned Counsel for the respondent No.2 has tendered a photocopy

of the Aadhar Card of the respondent No.2 duly attested by her. The same is taken on record and the original Aadhar Card is verified by the learned APP.

8. Considering the nature of dispute, the relations between the parties, the Consent Terms entered into between them, the fact that the applicant No.1 and the respondent No.2 have started residing together, the affidavit of the respondent No.2 and the judicial pronouncements of the Apex Court in the case of *Gian Singh vs. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. vs. State of Punjab & Anr.*², there is no impediment in allowing the application.

9. The application is accordingly allowed and the FIR bearing C.R. No. 210 of 2021, registered with the Marine Drive Police Station, Mumbai, is quashed and set-aside.

10. Rule is made absolute in the aforesaid terms. Application

¹ (2012) 10 SCC 303

² (2014) 6 SCC 466

is disposed of accordingly.

11. All concerned to act on the authenticated copy of this order.

R. N. LADDHA, J.

REVATI MOHITE DERE, J.