

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1681 OF 2022

1. Aditya Ghanshyam Purohit
 2. Sunetra Ghanshyam Purohit
 3. Ghanshyam Balwantraai Purohit
- ...Petitioners

Versus

1. The State of Maharashtra
 2. Farha Shaukat Ali
- ...Respondents

Mrs. Chitra Phadke i/b Mr. Ratnesh Dube for the Petitioners.

Mr. Y.M.Nakhwa, A.P.P for the Respondent-State.

Ms. Sandhya D. Waingankar for the Respondent No.2.

CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.
DATE : 5th DECEMBER, 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. Sandhya Waingankar waives notice on behalf of the respondent No.2.

3. By this petition, preferred under Article 226 of the Constitution of India and Section 482 of the Criminal Procedure Code, the petitioners seek quashing of the FIR bearing C.R. No. 201 of 2019 registered with the Bangur Nagar Police Station, Mumbai, for the alleged offences punishable under Sections 498A, 406, 323, 324, 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 and the applicant Nos. 2 and 3 are the in-laws. The applicant No.1 got married to the respondent No.2 on 21st November, 2016, after which, the respondent No.2 started residing in her matrimonial home. As according to the respondent No.2, she was allegedly ill-treated and harassed by the petitioners, she lodged the

aforesaid C.R. as against the petitioners alleging the aforesaid offences. After investigation, chargesheet was filed and the case is presently pending before the learned Metropolitan Magistrate, 68th Court, Borivali, Mumbai, being C.C.No. 4354/PW/2019.

5. During the pendency of the aforesaid proceeding, the parties amicably settled their dispute. Accordingly, the petitioner No.1 and the respondent No.2 filed Consent Terms in the Family Court, Bandra, Mumbai, in petition No. A-640/2018. The said Consent Terms are at Exhibit – B at page 29 of the petition. In the said Consent Terms, certain terms and conditions have been spelt out, which both parties have undertaken to abide and comply with. It appears that petitioner No.1 has agreed to pay a sum of Rs.20,50,000/- to the respondent No.2 by way of full and final settlement. Out of the said amount, the petitioner No.1 has already deposited Rs.10,25,000/- in the Family Court, at Bandra, Mumbai, when the Consent Terms were filed by the parties. In the said Consent Terms, the petitioner No.1 has undertaken to hand over Demand

Draft of Rs.10,25,000/- in the name of the respondent No.2 on the date when the decree is passed.

6. Learned Counsel for the respondent No.2 has tendered an affidavit of the respondent No.2 dated 9th June, 2022, duly affirmed before the Notary. In the said affidavit, the respondent No.2 has stated that during the course of mediation, the dispute was amicably settled between the parties. She has stated that she has no objection to the quashing of the said FIR/proceeding, registered at her behest, provided the petitioner No.1 complies with the terms and conditions stipulated in the Consent Terms.

7. The respondent No.2 is present in person. On questioning, she re-iterates what is stated by her in her affidavit. The respondent No.2 states that she has received her stridhan and all articles and that she has no objection for quashing of the aforesaid FIR/proceeding. 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. The original Aadhar Card of the respondent No.2 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 affidavit of the respondent No.2 and the judicial pronouncements of the Apex Court in *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 petition.

9. The petition is accordingly allowed and the FIR bearing C.R. No. 201 of 2019 registered with the Bangur Nagar Police Station, Borivali, Mumbai, and consequently, the proceeding pending before the learned Metropolitan Magistrate, 68th Court, Borivali, Mumbai, being R.C.C. No. 4354/PW/2019, are quashed and set-aside.

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

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

disposed of accordingly.

11. Learned Counsel for the respondent No.2 to file her Vakalatnama, if not filed, on behalf of the said respondent, in the Registry, within two weeks of uploading of this order.

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.