

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

CRIMINAL APPLICATION NO. 600 OF 2022

1. Brijmohan Bhanwarlal Vyas
2. Vijaylaxmi Brijmohan Vyas ...Applicants

Versus

1. The State of Maharashtra
2. Ankia Santosh Bohra ...Respondents

***WITH
CRIMINAL APPLICATION (STAMP) NO. 16189 OF 2022
(NOT ON BOARD)***

1. Rahul Brijmohan Vyas ...Applicant

Versus

1. The State of Maharashtra
2. Ankia Rahul Vyas (nee Ankita Bohra) ...Respondents

Mr. Omkar Nagwekar for the Applicants

Ms. A. S. Pai, P.P. with Ms. M. H. Mhatre, A.P.P for the Respondent
No.1-State

Ms. Priyanka Pandit for the Respondent No. 2

**CORAM : REVATI MOHITE DERE &
S. M. MODAK, JJ.
MONDAY, 26th SEPTEMBER 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. Pandit waives notice on behalf of the respondent No.2.

3 By these applications, the applicants seek quashing and setting aside of the complaint/FIR bearing C.R. No. 822/2021 registered with the Dindoshi Police Station, Mumbai, as against the applicants for the alleged offence punishable under Sections 498A, 406, 323, 504 r/w 34 of the Indian Penal Code. Quashing is sought on the premise that the applicants and the respondent No. 2 have amicably settled their dispute.

4 The applicant in Criminal Application (Stamp) No. 16189/2022 is the husband of the respondent No.2, whereas, the

applicants in Criminal Application No. 600/2022 are the in-laws of the respondent No.2.

5 It appears that the applicant-Rahul Vyas and the respondent No. 2 got married on 30th November 2016 at Bangur Nagar, Goregaon (West), Mumbai, according to the Hindu Vedic rites and rituals. After the marriage, the respondent No. 2 started residing with the applicants at her matrimonial home. As there were marital discord/differences between the parties, the respondent No. 2 filed complaint which was registered vide CR No. 822/2021 as against the applicants in both the applications. We are informed that till date, charge-sheet has not been filed in the said case.

6 It appears that in the interregnum, the parties amicably settled their dispute and filed consent terms in the Family Court at Bandra, Mumbai, and the the contested petition was converted into petition seeking divorce by mutual consent.

7 As per the consent terms, both parties have decided to withdraw all allegations against each other. It is also agreed that the applicant-Rahul Vyas would pay the respondent No. 2, an amount of Rs. 30,00,000/- by way of one-time settlement. Admittedly, the couple has no issues.

8 In view of the amicable settlement, the respondent No. 2 has decided to unconditionally withdraw all her allegations in the aforesaid CR and has stated that she has no objection if the C.R. No. 822/2021 registered with the Dindoshi Police Station and the consequential proceedings arising therefrom, are quashed and set-aside.

9 Respondent No. 2 is present in Court. Learned counsel for the respondent No. 2 has tendered affidavit of the respondent No.2 dated 26th September 2022, duly affirmed before the Assistant Registrar, High Court, so also a self attested xerox copy of the Aadhar card of the respondent No. 2. The same are taken on record.

Learned counsel for the respondent No.2 identified her. Learned A.P.P has verified the original Aadhar card of the respondent No.2. On being questioned, the respondent No.2 reiterates what is stated by her in her affidavit.

10 Considering the nature of dispute, relations between the parties, the amicable settlement arrived at between the parties and having regard to 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 applications.

11 The applications are accordingly allowed. The FIR bearing C.R. No. 822/2021 registered with the Dindoshi Police Station, Mumbai, as against the applicants and all the consequential proceedings arising therefrom, are quashed and set-aside.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

12 Rule is made absolute in the aforesaid terms. Applications are disposed of accordingly.

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

S. M. MODAK, J.

REVATI MOHITE DERE, J.