

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

CRIMINAL WRIT PETITION NO.1225 OF 2022

Ajitpal Amarjit Singh And Others	...	Petitioners
Versus		
The State of Maharashtra And Another	...	Respondents

Ms. Shilpa Pawar for the Petitioners.
Ms. M.H. Mhatre, APP for Respondent No.1-State.
Mr. Kanhaiya Yadav i/b Mr. Ankit Dubey for Respondent No.2.
Simran Kaur Ajitpal Singh, Respondent No.2 present.

**CORAM : PRASANNA B. VARALE &
S. M. MODAK, JJ.**

DATE : 22 APRIL 2022

P. C. :

. Petitioner No.1 is the husband of Respondent No.2. They married on 28 April 2019 at New Delhi as per Sikh rites and customs. They cohabited together at Mira Road, Thane till 6 August 2019. FIR No.311 of 2019 dated 26 August 2019 at Vadala TT. Police Station is the outcome of various kinds of ill treatment faced by Respondent No.2. That is why offence under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code came to be registered.

2 The other Petitioners are the the relatives of Petitioner No.1. Petitioner Nos.2 and 3 are the in-laws, whereas Petitioner Nos.4 and 5 are the brother-in-law and sister-in-law of Respondent No.2. The allegation in FIR is that all these Petitioners used to taunt Respondent No.2 for not

bringing car, not giving money for spending, for demanding amounts from parents for settling in Canada. Ultimately, Respondent No.2 was compelled to leave matrimonial house on 6 August 2019. Then FIR was registered. There was also a domestic violence case initiated by Respondent No.2. During pendency of these proceedings, well wishers and office bearers of Dadar and Mira Road Gurudwara intervened and settled the dispute. As a result, both the spouses have decided to separate marital tie. They have entered into compromise-cum-settlement deed on 11 March 2022. Its copy is filed on record. The amount of permanent alimony is fixed at Rs.5,00,000. A demand draft for that amount is deposited with Shri Rajinder Singh, General Secretary of Mira Road Gurudwara. Respondent No.2 will get that amount once the terms of settlement deed are fulfilled.

3 There is consensus amounts both the parties that ornaments and articles were handed over to Respondent No.2. Respondent No.2 has agreed to withdraw domestic violence case. So also both the spouses have filed mutual consent petition before the Family Court. Even consent terms were filed before the Family Court, Bandra, Mumbai. Its copy is filed on record. Respondent No.2 has filed an affidavit thereby consenting for quashing of prosecution. We do not find any reason to refuse the reliefs. Parties have decided to separate and steps are taken for taking divorce. Quashing of prosecution is in their interest. Hence, Order.

: O R D E R :

1. Writ Petition No.1225 of 2022 is allowed.
2. C.C. No.1023/PW/2019 pending in the Court of 29th

Metropolitan Magistrate Court at Dadar, Mumbai for the offence under Sections 489-A, 323, 504 read with 34 of Indian Penal Code arising out of FIR No.311 of 2019 is quashed and set aside.

RAJESH
VASANT
CHITTEWAN

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Date: 2022.04.27
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(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)