

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

CRIMINAL APPLICATION NO. 470 OF 2022

1. Rakesh Harishchandra Amin
2. Vanita Harishchandra Amin
3. Harishchandra K. Amin
4. Priyanka A. Amin

...Applicants

Versus

1. Aishwarya Salian
2. State of Maharashtra

...Respondents

Mr. Shyamrishi Pathak for the Applicants

Ms. Shivani S. Shinde for the Respondent No. 1

Mr. Y. M. Nakhwa, A.P.P for the Respondent No.2-State

***CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.
WEDNESDAY, 7th 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. Ms. Shivani

Shinde waives notice on behalf of the respondent No.1. Learned A.P.P waives notice on behalf of the respondent No.2–State.

3 By this application preferred under Section 482 of the Code of Criminal Procedure, the applicants seek quashing of the FIR registered vide C.R. No. 520/2021 registered with the Bhandup Police Station, Mumbai, as against the applicants for the alleged offences punishable under Sections 498A, 504, 506, 34 of the Indian Penal Code and consequently, the proceeding being CC No. 339/PW/2022 pending before the learned Metropolitan Magistrate, 53rd Court, Mulund. Quashing is sought on the premise that the applicants and the respondent No. 1 have amicably settled their dispute.

4 Perused the papers. The applicant No. 1 is the husband of the respondent No.1; the applicant No.2 is the mother-in-law; the applicant No. 3 is the father-in-law and the applicant No. 4 is the sister-in-law of the respondent No. 1, respectively.

5 It appears that the applicant No. 1 got married to the respondent No. 1 on 19.05.2019 as per Hindu rites and rituals. As, according to the respondent No. 1, she was allegedly ill-treated and harassed by the applicants, she filed the aforesaid FIR as against the applicants alleging the aforesaid offences. After investigation, charge-sheet was filed in the said case and the case is presently pending before the learned Metropolitan Magistrate, 53rd Court, Mulund, being CC No. 339/PW/2022.

6 It appears that in the interregnum, during the pendency of the aforesaid proceeding, the parties amicably settled their dispute and filed consent terms in the Family Court at Bandra, Mumbai in Marriage Petition No. A-912/2021.

7 We are informed that in the consent terms, both parties have agreed to withdraw all allegations as against each other; that they have agreed to convert the Marriage Petition No. A-912/2021 into a petition under Section 13-B of the Hindu Marriage Act; that

the respondent No. 1 has waived her right to claim maintenance and permanent alimony - past, present and future; that the respondent-wife has received all her *streedhan*, and respondent No. 1 has no objection to the quashing of the proceeding initiated as against the applicants. We are informed that various other terms and conditions are stipulated in the consent terms.

8 Learned counsel for the respondent No. 1 has tendered affidavit of the respondent No.1 dated 17.11.2022, duly notarized before the Notary. To the said affidavit is annexed a self attested photo copy of the Aadhar Card of the respondent No. 1. The same are taken on record. In the said affidavit, the respondent No. 1 has stated that she has amicably settled the dispute with the applicants and as such, consent terms have been filed in the Family Court, Mumbai. She has further stated that she has agreed to withdraw all allegations against her husband and family members.

9 Respondent No. 1 is present in Court. On being

questioned, the respondent No.1 reiterates what is stated by her in her affidavit. She states that she has received her streedhan/articles and that she has no objection to the quashing of the said FIR initiated at her behest. Learned counsel for the respondent No.1 has identified her. Learned A.P.P has verified the original Aadhar card of the respondent No.1.

10 Considering the nature of dispute, the relations between the parties, the consent terms entered into between them, the affidavit of the respondent No. 1 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 application.

11 The application is accordingly allowed. The FIR bearing C.R. No. 520/2021 registered with the Bhandup Police Station, Mumbai, as against the applicants and consequently, the proceeding being CC No. 339/PW/2022 pending before the learned

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

Metropolitan Magistrate, 53rd Court, Mulund, is quashed and set-aside.

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

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

PRITHVIRAJ K. CHAVAN, J. **REVATI MOHITE DERE, J.**