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

CRIMINAL WRIT PETITION NO.1658 OF 2017

Mr.Pankaj Jinak Varma ... Petitioner

Versus

1. State of Maharashtra ...

2. Mrs. Priya Pankaj Varma ... Respondents

**WITH
CRIMINAL WRIT PETITION NO.1657 OF 2017**

1. Mrs. Shanti Jinak Varma ...

2. Mr. Pawan Varma ... Petitioner

Versus

1. The State of Maharashtra ...

2. Mrs. Priya Pankaj Varma ... Respondents

Mr. Lavkush Sharma for the Petitioner in Writ Petition No.1658/2017.

Mrs. A. S. Pai, P. P. with Mr. J. P. Yagnik for the Respondent No.1- State in both Petitions.

Mr. Rohit Upadhyay for the Respondent No.2 in both Petitions.

**CORAM : REVATI MOHITE DERE &
S.M. MODAK, JJ.**

DATE : 29TH SEPTEMBER 2022

P.C. :

1. Not on board. Taken on board.
2. Heard learned counsel for the parties.
- 3 Rule. Rule is made returnable forthwith, with the consent of the parties and is taken up for final disposal. Learned P.P waives service on behalf of the respondent No.1-State. Mr. Rohit Upadhyay waives service on behalf of the respondent No.2.
4. By these petitions, the petitioners seek quashing of the FIR, bearing C. R. No. 288 of 2016 registered with the Samata Nagar Police Station, Mumbai for the alleged offences punishable under Sections 498A, 377, 354, 509, 406, 504, 506(2), 504, 34 of the Indian Penal Code.
- 5 Petitioner in Criminal Writ Petition No. 1658 of 2017 is the husband of the respondent no.2, whereas the petitioner in Writ Petition No. 1657 of 2017, the mother-in-law and the

brother-in-law of the respondent no.2. It appears that the petitioner – Pankaj Varma in Writ Petition no. 1658 of 2017 got married to the respondent no.2 on 14th May 2014, at Siddharth Nagar, Uttar Pradesh, according to the Hindu vedic customs and rites. Post marriage, the respondent no.2 started residing at her matrimonial home at Mumbai. Post marriage, there was some marital dispute/discord/dispute between the parties, pursuant to which the respondent no.2 filed the complaint/FIR, which was registered as C. R. No. 288 of 2016, Samata Nagar Police Station, Mumbai alleging the aforesaid offences.

6. After investigation, the charge-sheet has been filed and presently the proceedings are pending before Metropolitan Magistrate, 17th Court at Borivali, Mumbai being Criminal Case No. 1615/PW/2017.

7. It appears that during the pendency of the proceedings, the parties have amicably settled their dispute and have filed the consent terms before the learned Judge,

Family Court at Bandra. One of the terms agreed upon by the parties, is withdrawal of the aforesaid C. R. by the respondent no.2. Learned counsel for the respondent no.2 has filed the consent affidavit of the respondent no.2, in both aforesaid Writ Petitions. The said affidavits are dated 6th May 2022 and 29th September 2022 respectively, duly affirmed before the notary. Both the said affidavits are taken on record. In the said affidavits, the respondent no.2 has stated that she has no grievance as against the petitioners and so also, no objection to quashing of the aforesaid C. R. and consequently, the proceeding arising from the said C.R. The respondent no.2 is present in person, and she re-iterates what is stated by her in her affidavit. She is identified by her counsel. Learned counsel has annexed the Aadhar card of the respondent no.2 to her affidavit, duly signed by her. The original Aadhar card is verified by the learned APP. Admittedly, the couple do not have any issues.

8 Considering the nature of dispute and amicable settlement between the parties and having regard to 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 petition.

9 The petition is accordingly allowed and the FIR bearing C. R. No. 288 of 2016 registered with the Samata Nagar Police Station, Mumbai and consequently, the proceeding arising therefrom i.e. Criminal Case No.1615/PW/2017, pending before the learned Metropolitan Magistrate 17th Court, Borivali, Mumbai, is quashed and set-aside.

10 Rule is made absolute in the aforesaid terms. Petition is disposed of accordingly.

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

S. M. MODAK, J.

REVATI MOHITE DERE, J.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466