

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

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CRIMINAL WRIT PETITION NO. 1964 OF 2022

Mandeep Balvir Singh & Ors. ... Petitioners

Versus

State of Maharashtra & Anr. ... Respondents

.....

Mr. Akshay Bankapur for the Petitioners.

Mrs. A.S. Pai, PP for the State.

Mr. V.V.Krishnan for Respondent No.2.

.....

CORAM : NITIN JAMDAR AND
N.R. BORKAR, JJ.

DATED : 10 AUGUST 2022

P.C. :-

The Petitioners filed this Petition with the following prayer :-

“b. This Hon’ble Court be pleased to quash and set aside the Chargesheet and the consequent proceedings arising from FIR bearing C.R. No. I 201/2018 dated 10/09/2018 registered at Gangapur Police Station, Dist: Nashik against the present Petitioners for allegedly having committed the offences punishable under sections 498-A, 406, 504 r/w. 34 of Indian Penal Code”.

2. We have heard the learned Counsel for the parties. Taken up for disposal.

3. The learned Counsel for the Petitioners and the learned Counsel for Respondent No.2– Complainant state that the dispute that led to filing of this FIR was a matrimonial dispute which now stands resolved between the parties. The learned Counsel for Respondent No.2 – Complainant states that Respondent No.2 – Complainant has filed an affidavit giving consent for quashing of the FIR and the proceedings. The learned Counsel for Respondent No.2 – Complainant states that the Complainant in the affidavit has given reasons for giving consent. The learned Counsel reiterates the contents of the affidavit. The learned Counsel for the Petitioners and the learned Counsel for Respondent No.2 – Complainant jointly pray that the FIR and the proceedings be quashed and they rely on the decision of the Hon’ble Supreme Court in the case of *Gian Singh v/s. State of Punjab*¹.

4. The learned Counsel for the Petitioners states that in Writ Petition bearing No. 5764 of 2019 filed by the husband of Respondent No.2, this Court by order dated 22 April 2022 had quashed the same FIR as against Petitioner No.1 herein. The petition was allowed in respect of Petitioner No.1.

¹ (2012) 10 SCC 303

5. We have considered the facts and circumstances of the case, the pleadings and the joint prayer made, and the law laid down by the Hon'ble Supreme Court. Considering that the matrimonial dispute stands resolved between the parties keeping the prosecution pending would be harassment to the parties and is not likely to result in conviction. It will also disrupt the settlement arrived at between the parties. Therefore, case is made out for grant of relief as prayed for.

6. The Writ Petition is allowed in the above terms.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)