

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2311 OF 2021**

Rajendrakumar Satyanarayan Holani
and others ... Petitioners

Versus

The State of Maharashtra and another ... Respondents

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Mr. A.M. Saraogi for the Petitioners.
Mr. J.P. Yagnik, APP for the State.
Mr. Vijay Upadhyay for Respondent No.2.

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

DATED : 6 JULY 2022

P.C. :-

. Heard the learned Counsel for the parties. Taken up for disposal.

2. The Petition is filed by the Petitioners for the following relief :

“(a) that this Hon’ble Court be pleased to issue an appropriate writ, order and directions directing the quashing of the FIR being FIR No.69/2021, registered under the provision of sections 498A, 406, 323, 504 r/w. 34 of I.P.C. registered by

Respondent No.1 at the instance of the Respondent No.2 hereinabove on such terms as this Hon'ble Court may deem fit and proper in the matter."

3. The Petitioner No.1 is the father-in-law of Respondent No.2, Petitioner No.2 is the mother-in-law of Respondent No.2, Petitioner No.3 is the brother-in-law of Respondent No.2 and Petitioner No.4 is the sister-in-law of Respondent No.2 and Petitioner No.5 is the husband of Respondent No.2.

4. The learned Counsel for the Petitioners and Respondent No.2 jointly pray that in view of the settlement between the parties, the FIR lodged by Respondent No.2 be quashed. The learned Counsel for Respondent No.2 states that Respondent No.2 is giving her consent for quashing the FIR. We accept the statement made by the learned Counsel for the Respondents. The learned Counsel for the Petitioners and Respondent No.2 states that in view of the facts of the case and the settlement, the FIR can be quashed as per the law laid down by the Supreme Court in the case of *Gian Singh vs. State of Punjab*¹.

5. The learned Counsel for the parties have drawn our attention to the consent terms annexed to the Petition wherein parties

¹ 2012(10)SCC 303

have agreed that they will seek divorce by mutual consent, certain schedule of payment has been agreed upon. The learned Counsel for Respondent No.2 states that payment of Rs.15 Lakh at the time of filing of quashing of the FIR has been received. The statement is accepted. The learned Counsel for the parties state that pursuant to the consent terms, the Petition No.3439 of 2021 is filed in Family court at Bandra, the same is coming up for consideration shortly. Respondent No.2 has filed Affidavit of Consent wherein he has accepted the consent terms and has stated that she is residing at her paternal house and plan to re-marry in near future and therefore, agreed to the consent terms.

6. Considering these facts and the consent terms in the Consent Affidavit of Respondent No.2 and the stand taken by the parties, conveyed to us through their Advocates, we find that the case is covered by law laid down by the Supreme Court in the case of *Gian Singh (supra)*. In view of the settlement between the parties, there is no purpose served in keeping the prosecution pending. It may not result in conviction and could be a needless harassment to the parties.

7. Accordingly, Writ Petition is allowed in terms of prayer clause (a).