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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 501 OF 2022

Mukesh C. Rathod and ors.

... Applicants

V/s.

Hemlata Mukesh Rathod and anr.

... Respondents

Mr. Ranjit Singh for the Applicants.

Mr. Shivjeet Singh for the Respondent No.1.

Mr. K.V. Saste, APP for the Respondent No.2 – State.

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

DATE : 27 JULY 2022.

P.C.

. The present application under Section 482 of Code of Criminal Procedure, 1973 is filed to quash the First Information Report No.46 of 2022 (hereinafter referred to as “FIR”, for short) dated 28 January 2022 registered at Dharavi Police Station, Mumbai against the Applicants for the offences punishable under Sections 498(A), 377, 354, 323, 504, 506 read with 34 of Indian Penal Code, Sections 3 and 4 of the Dowry Prohibition Act, 1961 and Section 67(A) of the Income Tax Act.

2. The aforesaid crime came to be registered at the instance of Respondent No.1, who has *inter alia* alleged that she was subjected to mental and physical cruelty and demand of dowry at the hands of

her husband and in-laws. The Applicant No.1 is the husband of Respondent No.1. The Applicant Nos.2 to 5 are her in-laws.

3. The learned Counsel for the Applicants and the learned Counsel for Respondent No.1 jointly submit that the parties have amicably settled the dispute. It is submitted that no purpose would be served by keeping the prosecution alive, in view of the settlement arrived at between the parties. The learned Counsel for the parties submit that present case is squarely covered by the law laid down by the Hon'ble Supreme Court in the case of *Gian Singh vs. State of Punjab*¹.

4. The Respondent No.1 has filed the consent affidavit dated 1 July 2022. Respondent No.1 has stated that pursuant to amicable settlement, she has received all her articles, ornaments and nothing remains to be received. Respondent No.2 has stated that she has no objection if the FIR in question is quashed in view of the settlement arrived at between the parties.

5. Since there are no other proceedings pending between the parties, we told the learned counsel for Respondent No.2 to apprise the Respondent No.2, who is present in the court, that this court will not entertain any proceedings on the ground that the Applicants have not complied with terms of settlement, if any, agreed by them,

1 (2012) 10 SCC 303

as we are proceeding to quash the FIR purely on the basis of her consent. The learned Counsel for the Respondent No.2, on instructions, submits that the Respondent No.2 is agreeable to it.

6. The Hon'ble Supreme Court in the case of *Gian Singh (supra)* has held :

“But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim.”

7. We have examined the facts of the present case in the light of law laid down by the Hon'ble Supreme Court in *Gian Singh's* case. The main reason for filing of the FIR appears to be matrimonial discord. The allegations are totally of personal nature. In view of the settlement between the parties, Respondent No.1 is not going to support the prosecution case and therefore, possibility of conviction

is remote and bleak. Nothing fruitful will therefore come out of the prosecution in question. Apart from it, if the FIR in question is not quashed, the settlement arrived at between the parties would be disrupted. Considering these facts and circumstances, the application deserves to be allowed. Hence, the Criminal Application is allowed in terms of prayer clause (b), which reads thus.

“b) This Hon’ble Court may kindly be pleased to exercise its inherent powers u/s.482 of Cr.P.C. and kindly be pleased to quash F.I.R./C.R. no. 46/2022, lodged with Dharavi Police Station, U/s.498 (A), 377, 354, 323, 504, 506, 34 of I.P.C. r/w. section 3 & 4 of The Dowry Prohibition Act 1961 along with section 67(A) of I.T. Act., at the instance of Mrs. Hemlata Mukesh Rathod i.e. (Ori. Complainant/the first informant) ”

8. Criminal Application is disposed of.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)