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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2131 OF 2022**

Sumeet R. Hansrajani and anr. ... Petitioners
V/s.
The State of Maharashtra and anr. ... Respondents

Ms Sarah Kapadia i/b Vesta Legal for the Petitioners.
Mr. Y.M. Nakhwa, APP for the Respondent – State.
Mr. Dipak Mane for the Respondent No.2.

**CORAM : NITIN JAMDAR &
N.R. BORKAR, JJ.
DATE : 30 JUNE 2022.**

P.C.

. The present petition under Article 226 of the Constitution of India read with Section 482 of Code of Criminal Procedure, 1973 is filed to quash First Information Report No.515 of 2020 (hereinafter referred to as “FIR”, for short) dated 10 August 2020 registered at Pant Nagar Police Station, Mumbai for the offences punishable under Sections 377, 498-A, 494, 323, 504 and 508 read with 34 of the Indian Penal Code.

2. The aforesaid crime came to be registered at the instance of Respondent No.2, who has alleged that she was subjected to mental and physical cruelty at the hands of her husband and in-laws. The

Petitioner No.1 is the husband of Respondent No.2 and the Petitioner No.2 is her father-in-law.

3. The learned Counsel for the Petitioners and the Respondent No.2 jointly submit that the parties have amicably settled the dispute. It is submitted that the parties have filed the consent terms in the petition filed for divorce before the Family Court at Mumbai. 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 submits 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. It appears that on the basis of consent terms, the Family Court has already passed the decree of divorce. It further appears that the Petitioners have deposited the amount of Rs.5700000/- towards the permanent alimony. Respondent No.2 has filed consent affidavit dated 19 April 2022. 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. 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

¹ (2012) 10 SCC 303

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.”

6. 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.2 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 is not quashed, the settlement arrived at between the parties would be disrupted. Considering these facts and circumstances, the petition deserves to be allowed. Hence, the Petition is allowed in terms of prayer clause (a), which reads thus:

“(a) *That this Hon’ble Court may be pleased to pass an*

order quashing FIR No.515 dated 10.8.2020 u/s 377, 498 A, 494, 323, 504, 508 r/w. 34 of the Indian Penal Code, 1860, registered with Pant Nagar Police Station, Ghatkopar East, Mumbai 400075 against the Petitioners.”

7. The Petition is disposed of.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)