

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

CRIMINAL APPLICATION NO.526 OF 2022

1. Rensu K. Ramchandran
 2. Ratna Ramchandra Kuditra ...Applicants
- Versus
1. The State of Maharashtra
 2. Sanjay Shamrao Patil
 3. Shubhangi Chandra
@ Shubhangi D/o. Sanjay Patil ...Respondents

Mr. Sagar J. Ruparel, for the Applicants.

Mr. K. V. Saste, A.P.P for the Respondent No.1– State.

Mr. Maniram R. Gaud, for the Respondent Nos.2 and 3.

Respondent No.2, is present in-person.

Respondent No.3 is present through video-conferencing.

***CORAM : REVATI MOHITE DERE &
R. N. LADDHA, JJ.***

***DATE : 11th NOVEMBER 2022
(IN CHAMBERS)***

P.C. :

1. Heard learned counsel for the parties.

2. Rule. Rule is made returnable forthwith, with the consent of the parties and is taken up for final disposal. Learned A.P.P waives service on behalf of the respondent No.1–State. Mr. Gaud waives service on behalf of the respondent Nos.2 and 3.

3. By this application preferred under Section 482 of the Criminal Procedure Code, the applicants seek quashing of the FIR bearing C.R. No. 180 of 2016 registered with the Koparkhairane Police Station, Navi Mumbai, for the alleged offences punishable under Sections 498A, 307, 406, 323, 504, 506 and 34 of the Indian Penal Code. Quashing is sought on the premise, that the parties have amicably settled their dispute.

4. Perused the papers. The applicant No.1 is the husband of the respondent No.3 – Shubhangi, who is the daughter of the respondent No.2 (original complainant), and the applicant No.2 is the mother of the applicant No.1. The applicant No.1 got married to the respondent No.3 – Shubhangi, on 13th December 2014. After

marriage, the respondent No.3 started residing with the applicants. It appears that after a few days, the applicants started harrassing/ill-treating the respondent No.3, pursuant to which, the respondent No.2 filed the aforesaid FIR, alleging the aforesaid offences. According to the respondent No.2, the applicant No.1 telephonically informed him that in a fit of anger, his daughter i.e. Shubhangi (respondent No.3) had consumed phenyl and was admitted to Apex Multispeciality Hospital for treatment. Respondent No.2 has alleged that when he went to the hospital to meet his daughter, she revealed that the applicant No.1 had pressed her neck and had threatened to kill her. After investigation, charge-sheet was filed in the said case and the case is currently pending before the learned Sessions Judge, Thane, being Sessions Case No.471 of 2019.

5. In the interregnum, during the pendency of the aforesaid proceeding, the parties i.e the applicant No. 1 and the respondent No.3, amicably settled their dispute and filed a petition before the Family Court at Bandra, Mumbai under Section 13-B of the Hindu

Marriage Act. Consent Terms were also entered into between the parties and were filed before the learned Metropolitan Magistrate, 60th Court, Kurla, Mumbai in C.C. No.52/DV/2018. In view of the consent terms, the learned Metropolitan Magistrate, 60th Court, Kurla, Mumbai, disposed of the aforesaid C.C. No.52/DV/2018 vide order dated 13th July 2019. We are informed that even the learned Judge, Family Court at Bandra, Mumbai, vide Judgment and Order dated 2nd November 2020 granted decree of divorce by mutual consent. The respondent No.2/original complainant is present in *chambers* alongwith his advocate. The respondent No.3 – Shubhangi i.e. daughter of the respondent No.2 is present through video-conferencing. She states that pursuant to the divorce she has remarried and is presently staying at Baroda (Gujarat) and is expecting her child and as such is unable to personally travel to Mumbai. On questioning, respondent No.3 states that she has no objection to the quashing of the aforesaid FIR, pursuant to the consent terms entered into between the applicant No.1 and her.

6. Learned Counsel for the respondent No. 2 has tendered a xerox copy of the affidavit of the respondent No.3 dated 5th June 2022, duly affirmed before the Assistant Registrar, High Court, Appellate Side, since the Registry has not placed the original affidavit filed by the respondent No.3 - Shubhangi, on record. In the said affidavit, the respondent No.3 has given her no objection to the quashing of the aforesaid FIR, in view of the consent terms entered into between the applicant No.1 and her. She has stated that due to outburst of emotions, misunderstanding of facts and personal differences, her father i.e. respondent No.2 has registered the aforesaid FIR against the applicants and subsequently, she and her father i.e. respondent No.2 have settled all the differences with the applicants. She has further stated that she does not wish to prosecute the applicants and that she is happily married and residing in Baroda (Gujarat). Respondent No.2 is also present in *Chambers*. On being questioned, he re-iterates what is stated by him in his affidavit, which is annexed as Exhibit – 'B', on page 73 of the application. Since Section 307 of the Indian Penal Code has also been applied, we have

perused the injury certificate of the respondent No.3, which is on page 70 of the application. A perusal of the said medical certificate shows that the doctor on examination found no external injury on her neck or body nor any injury marks. Having regard to the medical certificate of the doctor, we are *prima facie* of the opinion, that no offence under Section 307 of the Indian Penal Code, is made out *qua* the applicants and as such there is no impediment in quashing the proceeding initiated at the behest of the respondent No.2, as against the applicants. The respondent No.2 is identified by his advocate and the respondent No.2 has identified his daughter – Shubhangi i.e. the respondent No.3, who is present through video-conferencing. Learned counsel for the respondent No. 2 has tendered a self-attested xerox copy of the aadhar card of the respondent No.2 and xerox copy of the aadhar card of the respondent No.3. The same are taken on record.

7. Considering the nature of dispute, the relations between the parties and what is observed hereinabove, in particular the consent terms entered into between the parties and having regard to the

judicial pronouncements in this regard, there is no impediment in allowing the application.

8. The Application is accordingly allowed and the FIR bearing C.R. No. 180 of 2016 registered with the Koparkhairane Police Station, Navi Mumbai, is quashed and set aside and consequently, the proceeding pending before the learned Sessions Judge, Thane, being Sessions Case No.471 of 2019, is also quashed and set-aside.

9. Rule is made absolute in the aforesaid terms. Application is disposed of accordingly.

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

R. N. LADDHA, J.

REVATI MOHITE DERE, J.