

Versus

The State of Maharashtra and another ... Respondents

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Mr. Sandeep Kadam alongwith Ms. Gunjan Shah for the Petitioners.
Mrs. M.H. Mhatre, APP for the State.
Mr. Amit Icham instructed by Mr. Ashish Satpute for Respondent
No.2.

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

DATED : 24 AUGUST 2022

P.C. :-

The present Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 is filed to quash the First Information Report No. 520 of 2019 (hereinafter referred to as “FIR”, for short) dated 1 August 2019 registered at Bharti Vidyapeeth Police Station, Pune against the Petitioners for the offences punishable under Sections 498A, 323 and 504 r/w. Section 34 of the Indian Penal Code, 1860.

2. The aforesaid FIR came to be registered at the instance of Respondent No.2 who has inter-alia 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 Nos.2 and the Petitioner Nos.2 to 6 are her in-laws.

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 Pune, 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 the 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.2 has filed consent affidavit dated 24 August 2022. The 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 :

1 (2012) 10 SCC 303

“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.”

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 in 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 Writ Petition is allowed in terms of prayer clause (a), which reads thus:

“a) This Hon’ble Court be pleased to quash the FIR No.520 of 2019 dated 31 July 2019 registered by the Bharti Vidyapeeth Police Station, Pune, for offences punishable under Sections 498-A, 323, 504 r/w. 34 of the Indian Penal Code, 1860 and all the other proceedings arising out of the same.”

7. The Writ Petition is disposed of.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)

KANCHAN
PRASHANT
DHURI

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by KANCHAN
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