

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

CRIMINAL WRIT PETITION NO.3482 OF 2022

Lachhmi G. Sharma ...Petitioner
Versus
The State of Maharashtra and Anr. ...Respondents

***WITH
CRIMINAL WRIT PETITION NO.1276 OF 2022***

Heena Chamdru Kanaya ...Petitioner
Versus
State of Maharashtra and Anr. ...Respondents

***WITH
CRIMINAL WRIT PETITION (STAMP) NO.11246 OF 2022***

Haresh Goverdhan Sharma ...Petitioner
Versus
State of Maharashtra and Anr. ...Respondents

Mr. Zishan Quazi i/b Mr. Ashish Chavan, for the Petitioner in
WP/3482/2022.

Mr. Prabhakar M. Jadhav, for the Petitioner in WP/1276/2022.

Ms. Jai Vaidya, for the Petitioner in WP(Stamp)/11246/2022.

Ms. Simika Balasubramaniam, for the Respondent No.2.

Mr. J. P. Yagnik, APP for the Respondent – State.

Mr. Vinod D. Sharma, Power of Attorney Holder of the Respondent No.2, is present.

*CORAM : REVATI MOHITE DERE &
S. M. MODAK, JJ.
DATE : 3rd OCTOBER 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 all the aforesaid petitions are taken up for final disposal. Learned A.P.P waives notice on behalf of the respondent No.1–State. Ms. Balasubramaniam waives notice on behalf of the respondent No.2.
3. By these petitions, preferred under Article 226 of the Constitution of India and under Section 482 of the Criminal Procedure Code, the petitioners in all the aforesaid petitions seek

quashing of the FIR bearing C.R. No. 128 of 2021 registered with the Malad Police Station, Mumbai, for the alleged offences punishable under Sections 498A, 323, 406, 504 r/w 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 petitioner - Haresh Sharma in Writ Petition (Stamp) No.11246 of 2022 is the husband of the respondent No.2 (original complainant). The petitioner - Heena Kanaya in Writ Petition No.1276 of 2022 is the sister-in-law of the respondent No.2 and petitioner - Lachhmi Sharma in Writ Petition No.3482 of 2022 is the mother-in-law of the respondent No.2. Respondent No.2 – Neha Sharma, is the original complainant.

5. The petitioner - Haresh Sharma and the respondent No.2 – Neha Sharma got married in 1994 as per Hindu rites and rituals. After marriage, the respondent No.2 started residing in her matrimonial home. From the said wedlock, the couple has one

daughter, who is currently 21 years of age. In view of marital discord/ differences between the parties, the respondent No.2 filed the aforesaid FIR, bearing C.R. No. 128 of 2021 registered with the Malad Police Station, Mumbai, alleging the aforesaid offences. We are informed that till date, charge-sheet has not been filed in the aforesaid C.R. During the pendency of the aforesaid C.R., in the interregnum, it appears that the parties amicably settled their dispute and as such entered into Consent Terms dated 24th June 2022. The said consent terms were filed in the Family Court at Bandra, Mumbai in Petition No. A-1828 of 2020. Learned counsel for the petitioners in all the aforesaid petitions has tendered a xerox copy of the said consent terms filed in the Family Court at Bandra, Mumbai. The same is taken on record. From the said consent terms, it appears that the parties have amicably settled their dispute and have decided to quash all the proceedings initiated against each other. Since, we are informed that the respondent No.2 is in Hong Kong and is not keeping well and is unable to travel to Mumbai for hearing of the aforesaid petitions seeking quashing of the case with the consent of the respondent No.2,

we thought it appropriate to hear the respondent No.2 through a video-conferencing link. Accordingly, the respondent No.2 is present through video-conferencing. The respondent No.2 is identified by her brother, who is the power of attorney holder and by the learned counsel for the respondent No.2. On being questioned, the respondent No.2 states that she has received all her stridhan and other belongings/articles and as such she has no grievance as against the petitioners. It appears that pursuant to the consent terms, a sum of Rs.37 lakhs has been deposited by the petitioner - Haresh Sharma in the Family Court at Bandra, Mumbai.

6. Learned Counsel for the respondent No. 2 in all the aforesaid petitions does not dispute the same. It is agreed that the said money i.e. Rs.37 lakhs is to be handed over to the respondent No.2 on the date when the decree of divorce is passed by the learned Judge, Family Court at Bandra, Mumbai. Learned Counsel for the respondent No.2 has tendered xerox copies of the consent affidavits of the respondent No.2 in all the aforesaid petitions duly notarized

before the Assistant Consular Officer, Consulate General of India, Hong Kong. The same are taken on record. The original copy of the said consent affidavits have been filed in the registry of this Court. On being questioned, the respondent No. 2 who is present through video-conferencing re-iterates what we have stated hereinabove.

7. Considering the relations between the parties i.e. the respondent No.2 and the petitioners in all the aforesaid petitions, the consent terms entered into between them and having heard the respondent No.2 through video-conferencing that she has no objection to the quashing of the aforesaid C.R. and also keeping in mind the judicial pronouncements of the Apex Court in *Gian Singh vs. State of Punjab and Another*¹ and *Narinder Singh and Others vs. State of Punjab and Another*², there is no impediment in allowing all the aforesaid petitions.

8. The petitions are accordingly allowed and the FIR bearing

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

C.R. No. 128 of 2021 registered with the Malad Police Station, Mumbai and all consequential proceedings arising therefrom, are quashed and set-aside.

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

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

S. M. MODAK, J.

REVATI MOHITE DERE, J.