

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 516 OF 2022

Gurmit Singh Jarnail Singh Sehmi and others. ... Applicants.
V/s.

Mrs.Harpeet Kaur Gurmeet Singh and others. ... Respondents.

Ms.Suvarna B. Telegote for the Applicants.

Ms.Rajashree Nair for Respondent No.1.

Mr.Y.M.Nakhwa, APP for the Respondent- State.

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

DATE : 1 July 2022.

P.C. :

Heard learned counsel for the parties. By this application, the Applicants are seeking the following relief:

“(b) This Honourable Court be pleased quash and set aside the FIR No.51 of 2021 at Bangur Police Station against the Applicants (Original Accused) and also the proceeding in Criminal Case No.341/2022 for the alleged offences u/s. 498A, 406, 354 of I.P.C. r/w. Section 34 of IPC pending on the file of the Learned Metropolitan Magistrate Court at Borivali”

The Applicant No.1 is the husband of the Respondent-Complainant. Applicant Nos.2 and 3 are the in-laws. The reason for quashing the FIR filed by Respondent No.1- Complainant is that

the Complainant has given her consent for the same. The Respondent No.1- Complainant filed the FIR alleging that she was subjected to physical and mental cruelty and demand of dowry.

2. The learned counsel for the Applicants and Respondent No.1 state that the parties have resolved their disputes and they have entered into consent terms filed in the Family Court, Bandra, Mumbai where they would be seeking divorce by mutual consent. The consent terms are placed on record. Affidavit of Respondent No.1 is filed in this application wherein a reference is made to the consent terms and proceeding in the Family Court and also the case filed under the Protection of Women from Domestic Violence Act, 2005. This consent has been reiterated by the learned counsel for Respondent No.1 in the Court today.

3. In the consent terms, the amount towards permanent alimony given to the Petitioner by the Applicants having been found on the lower side, Respondent No.1- Complainant was asked about the same. The Respondent- Complainant, who is present in the Court, states that the amount was arrived at through intervention of the elders in the family of both sides. Respondent- Complainant further stated that she wants to put the past behind and move further in her life. The learned counsel for the parties have relied upon the judgment of the Supreme Court in the case of *Gian Singh v. State of Punjab*¹ and prayed for quashing of FIR by consent.

¹ (2012) 10 SCC 303

4. Having considered the consent terms and the affidavit filed on record, it is clear that the dispute that led to file this FIR was a matrimonial dispute which now stands resolved. If the FIR is not quashed then further criminal proceedings will be a harassment to all the parties and will nullify the settlement arrived at between the parties. Therefore, we find merit in the contention of the learned counsel for the Applicants and Respondent No.1 - Complainant that this is a fit case for quashing the FIR by consent of the Complainant as laid down by the Supreme Court in *Gian Singh*.

5. Accordingly, the application is allowed in terms of prayer clause (b).

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)