

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

CRIMINAL APPLICATION NO. 587 OF 2022

1. Bhaskar Dinesh Mishra
2. Dinesh Radhikaprasad Mishra
3. Mrs. Shashi Dinesh Mishra
4. Mrs. Neha Akash Dubey ...Applicants

vs.

1. The State of Maharashtra
2. Mrs. Shraddha Bhaskar Mishra ...Respondents

Ms. Dhinika Jain i/by Mr. K. H. Giri a/w Mr. Gaurav Borse -
Advocate for the Applicant

Mr. K. V. Saste - APP for the Respondent-State

Mr. Tushar Gangwani - Advocate for the Respondent No. 2.

**CORAM : REVATI MOHITE DERE &
 S. M. MODAK, JJ.**

DATE : 06th OCTOBER, 2022

P. C. :-

1. Heard learned counsel for the parties.
2. Rule. Rule is made returnable forthwith, with the

consent of the parties and the application is taken up for final disposal. Learned A.P.P waives notice on behalf of the Respondent No.1-State. Mr. Tushar Gangwani waives notice on behalf of the Respondent No. 2.

3 By this application, preferred under Section 482 of the Criminal Procedure Code, the Applicants seek quashing of the FIR, bearing C.R. No. 312 of 2019 registered with the Samta Nagar Police Station, Mumbai, for the alleged offences punishable under Sections 498A, 406, 323, 504, 506 r/w 34 of the Indian Penal Code. Quashing is sought on the premise, that the Applicants and the Respondent No. 2 have amicably settled their dispute and the Respondent No. 2 has no objection for quashing of the said F.I.R./proceedings.

4. Perused the papers. The Applicant No. 1 is the husband of the Respondent No. 2 and the Applicant Nos. 2 and 3, the in-laws and the Applicant No. 4, the sister-in-law of the Respondent No. 2, respectively.

5 It appears that the Applicant No. 1 and the Respondent No. 2 got married on 01/05/2014 according to Hindu Vedic rites and rituals. Post marriage, the Respondent No. 2 started residing with the Applicant No. 1 at her matrimonial home. As there was marital discord between the parties, the Respondent No. 2 filed the aforesaid complaint, which was registered vide C.R. No. 312 of 2019 as against the Applicants, with the Samta Nagar Police Station, for the offences as stated aforesaid. We are informed that till the date, charge-sheet has not been filed.

6 It appears that in the interregnum, the parties amicably settled their dispute and entered into Consent Terms. The said Consent terms are at page no. 20 of the application. It is agreed that the Applicant No. 1 will pay a lump-sum alimony of Rs. 20,00,000/- to the Respondent No. 2, by way of full and final settlement. Admittedly, the Applicant No. 1 and the Respondent No. 2 have no issues from the said wedlock. We are informed that out of said

20,00,000/-, the Respondent No. 2 has received Rs. 7,00,000/- and the balance Rs. 13,00,000/- has been deposited by the Applicant No. 1 in the Family Court, Bandra. As per the consent terms, the Respondent No. 2 will be entitled to withdraw the said amount at the time of passing the decree of divorce by mutual consent. It is also agreed that the Respondent No. 2 will withdraw her complaint/ F.I.R./ proceeding as against the Applicants and that both the parties will abide by all the terms and conditions set out in the consent terms.

7 Learned counsel for the Respondent No. 2 states that the Respondent No. 2 has filed her affidavit dated 13/09/2022 duly notarized before the Notary. The Respondent No. 2 has stated in her affidavit that the dispute has been amicably settled and that she and the Applicant No. 1 have decided to file a Petition seeking divorce by mutual consent in the Family Court, Bandra, as per the consent terms. She has stated that till the date she has received Rs. 7,00,000/- and that the balance Rs.

13,00,000/-, has been deposited by the Applicant No. 1 in the Family Court at Bandra. She has stated that she has no objection for quashing of the F.I.R./proceeding.

8 Learned counsel for the Respondent No. 2 has tendered a xerox copy of Aadhar card of the Respondent No. 2 duly attested by her. The same is taken on record. Respondent No. 2 has been identified by her counsel and the learned APP has verified the original Aadhar card of the Respondent No. 2. When questioned, she re-iterates what is stated by her in her affidavit.

9 Considering the nature of dispute, the relations between the parties, the consent terms entered into between the parties, the affidavit of the Respondent No. 2 giving her no objection for quashing of the F.I.R., and having regard to the judicial pronouncements of the Apex Court in the case of ***Gian Singh vs. State of Punjab & Anr.***¹ and ***Narinder Singh & Ors. vs. State of Punjab & Anr.***²,

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

there is no impediment in allowing the application.

10 The application is accordingly allowed and the FIR bearing C.R. No. 312/2019 registered with the Samta Nagar Police Station, Mumbai is quashed and set aside. Parties assure to approach the Family Court, so as to enable the Family Court to decide the Petition seeking divorce by mutual consent, at the earliest.

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

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

[S. M. MODAK, J.]

[REVATI MOHITE DERE, J.]