

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

CRIMINAL APPLICATION NO.615 OF 2022

1. Mr Ravindra Manohar Bhalerao
Age 37 years, Occ: Service

2 Mr. Manohar Ramchandra Bhalerao
Age 70 years, Occ:unemployed

3. Mr Rohan Manohar Bhalerao
Age 36 yers, Occ: Service

4. Mrs Anjali Rohan Bhalerao
Age 28 years, Occ: service
All residing at Flat No.103, Satyam
Avenue, Kamothe, Panvel, Raigarh-
410206.

5. Diksha Dinesh Gaurat
Age 43 years, Occ: Service
R/o Flat no.306, Durga Apartment
Sai Compound, Savarkar Nagar,
Thane

... Applicants.

Versus

1.State of Maharashtra
Through Charkop Police Station,
Mumbai.

2.Mrs. Priyanka Ravindra Bhalerao
Age 36 years, Occ : Service
Residing at D-05, Plot No.845,
Suryadarshan C.H.S., near Akshara
School, Sector-8, Charkop, Mumbai,
Kandivali West, Mumbai -400067

Mr Aditya Sharma, Advocate for the Applicant.

Mr K.V. Saste, APP for State.

Mr Suresh Mali i/b Ms Khushboo Jain, for respondent no.2.

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

DATE : 2 DECEMBER 2022.

ORDER (Per R. N. Laddha, J.) :

Heard learned Counsel, for the parties.

2. Rule. The Rule is made returnable forthwith with the consent of and at the request of the learned Counsel for the parties.

3. The present Application u/s 482 of the Code of Criminal Procedure, 1973, is filed to quash the First Information Report No.124 of 2021 (hereinafter referred to as 'FIR', for short) dated 8.4.2021, registered at Charkop Police Station, Mumbai, at the instance of Respondent No.2, against the present Applicants for the offences punishable under Sections 498-A, 406, 323, 504, 506 of the Indian Penal Code, 1860. In the said FIR, it is alleged that the Applicants harassed and ill-treated Respondent No.2. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. Perused the papers. Applicant No.1 is the husband; Applicant No.2 is the father-in-law; Applicant No.3 is the brother-in-law, and Applicants No.4 and 5 are the sister-in-law of the Respondent No.2. It revealed from the record that after marriage, Respondent No.2 started residing at her matrimonial home with the Applicants. Post marriage, Respondent No.2 has alleged harassment and ill-treatment by the Applicants, pursuant to which she lodged the FIR above against the Applicants. It revealed from the record that the Applicants had applied for anticipatory bail before the Sessions Court at Dindoshi, wherein both parties filed the Consent Terms. A copy of the Consent Terms is placed on record of this Court. As per the Consent Terms, Applicant No.1 agreed to provide Respondent No.2 an amount of Rs.1,90,000/- and her Stridhan, i.e. one gold necklace and one ring, in instalments as per the schedule given below. An amount of Rs.1,00,000/- at the time of filing the divorce petition before the Family Court at Bandra and an outstanding amount of Rs.90,000/- and her Stridhan at the time of Judgment and Decree of the Divorce petition or at the time of quashing of the FIR whichever is later. Respondent No.2 agreed that she would consent to quash the impugned FIR. Learned Counsel for the Applicants and learned Counsel for Respondent No.2 submitted that Applicant No.1 and Respondent No.2 have mutually agreed to dissolve their marriage and separate amicably. Learned Counsel for the Respondent no.2 has tendered Consent Affidavit of Respondent

No.2 dated 11.7.2022, duly affirmed before the Notary. It is stated in the Affidavit that she has no objection to the quashing of the FIR above.

5. Respondent No.2 is present in person. On being questioned, she reiterates what is stated in the Affidavit. The parties assure that they will abide by the terms and conditions in the mutual consent terms filed before the Sessions Court, Dindoshi, Mumbai. The learned Counsel for Respondent No.2 tendered a photocopy of the Aadhar Card of Respondent No.2, duly attested by her. The learned APP has verified the original Aadhar Card. The photocopy of her Aadhar Card is taken on record. Respondent No.2 has been identified by her Counsel. We are informed that the charge sheet has not yet been filed.

6. The learned APP for Respondent No.1 submits that appropriate orders may be passed.

7. The matrimonial dispute is a private dispute, and given the above-referred facts and the judicial pronouncements of the Apex Court in this regard in ***Gian Singh Vs. State of Punjab & Anr.*¹** ***And Narinder Singh & Ors. Vs. State of Punjab & Anr.*²** we see no impediment in allowing the petition in terms of prayer clause (a), which reads thus:

1 (2012)10 SCC 303

2 (2014) 6 SCC 466

“(a) This Hon’ble Court be graciously pleased to allow the present application and be pleased to use its inherent powers quash the First Information Report which is filed against the Applicants in C.R.No.124 of 2021 for the offences registered under Sections 498-A, 406, 323, 504 and 506 of the Indian Penal Code registered with Charkop Police Station.”

8. Learned Counsel for **Respondent No.2** to file his Vakalatnama, if not filed, within two weeks of the uploading of this order.

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

R. N. LADDHA, J.

REVATI MOHITE DERE, J.