

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

CRIMINAL WRIT PETITION NO.3790 OF 2022

1. Harmit Gurubux Singh Sehmi
 2. Gurubux Singh Sehmi
 3. Balwinderkaur Gurubuxsingh Sehmi
 4. Prabhjyot Kaur Bhurji
- ...Petitioners

Versus

1. The State of Maharashtra
 2. Sneha Harmit Singh Sehmi
- ...Respondents

Mr. Hemant Ingale i/b Mr. Prashant S. Goyal, for the Petitioners.

Mr.J. P. Yagnik, A.P.P for the Respondent No.1– State.

Mr. Sushil Upadhyay, i/b Mr. Ashok M. Saraogi, for the Respondent No.2.

Respondent No.2 is present through video-conferencing.

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

***DATE : 14th NOVEMBER 2022
(IN CHAMBERS)***

P.C. :

1. At the outset, learned counsel for the petitioners seeks leave to amend to implead the respondent No.3 - Prabhjyot Kaur Bhurji, as party petitioner No.4 and to delete the said respondent from the array of respondents. Leave granted. Amendment to be carried

out forthwith. Re-verification is dispensed with. Neither the learned counsel for the respondent No.2 nor the respondent No.2 have any objection for the same.

2. Heard learned counsel for the parties.

3. Rule. Rule is made returnable forthwith, with the consent of the parties and is taken up for final disposal. Learned A.P.P waives notice behalf of the respondent No.1–State. Mr.Upadhyay waives notice on behalf of the respondent No.2.

4. By this petition, the petitioners seek quashing of the FIR bearing C.R. No. 932 of 2020, registered with the Charkop Police Station, Mumbai, at the behest of the respondent No.2, 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 parties have amicably settled their dispute.

5. Perused the papers. The petitioner No.1 is the husband of the respondent No.2, the petitioner Nos.2 and 3 the in-laws and the newly added petitioner No.4 is the sister-in-law of the respondent No.2 respectively. It appears that the petitioner No.1 and the respondent No.2 got married on 9th March 2015, as per Hindu rites and rituals, at Mumbai. Admittedly, the couple has no issues from the said wedlock. It appears that after marriage, the respondent No.2 started residing with the petitioners. According to the respondent No.2, as the petitioners harrassed and ill-treated her, she was constrained to file the aforesaid FIR, as against the petitioners, alleging the aforesaid offences. Admittedly, till date charge-sheet has not been filed in the said case.

6. During the pendency of the investigation in the aforesaid C.R., the parties amicably settled their dispute and entered into consent terms on 16th December 2021. The said consent terms were filed in the Anticipatory Bail Application filed by the petitioner Nos.1 to 3 before the Sessions Court, Dindoshi, Goregaon at Mumbai. The

said consent terms are at Exhibit – 'C', on page 56 of the petition. From the said consent terms, it appears that the parties have amicably settled their dispute and that the petitioner No.1 has undertaken to give Rs.20 lakhs as and by way of full and final settlement to the respondent No.2. Upon signing of the consent terms and on depositing the said amount of Rs.20 lakhs in the Sessions Court, Dindoshi, Goregaon at Mumbai, the respondent No.2 was to initiate the withdrawal process of all the complaints/cases initiated by her, as against the petitioner No.1 and his family members.

7. Learned counsel for the respondent No. 2 has tendered an affidavit of the respondent No.2 dated 17th June 2022, duly affirmed before the Consulate General of India, Dubai (U.A.E.). The said affidavit has been filed in Dubai, since the respondent No.2 is presently residing in Dubai. Respondent No.2 is present through video-conferencing. On being questioned, she re-iterates what is stated by her in her affidavit. The learned counsel for the respondent No.2 has tendered a xerox copy of the passport of the respondent

No.2, for the purpose of her identification by the petitioner No.1.
The same is taken on record.

8. 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, the no objection given by the respondent No.2 to the quashing of the aforesaid FIR/proceeding, initiated at her behest and having regard to 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 the petition.

9. The Petition is accordingly allowed and the FIR bearing C.R. No. 932 of 2020, registered with the Charkop Police Station, Mumbai, is quashed and set aside.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

10. Rule is made absolute in the aforesaid terms. Petition is disposed of accordingly.

11. All parties assure to comply with the terms and conditions set out in the consent terms.

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

R. N. LADDHA, J.

REVATI MOHITE DERE, J.