

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

CRIMINAL WRIT PETITION NO. 2444 OF 2021

1. Vijay B. Sakat
2. Rohit B. Sakat
3. Anjana B Sakat
4. Bapu N. Sakat ... Petitioners

Versus

1. The State of Maharashtra
2. Mrs. Dipika Vijay Sakat ... Respondents

Mr. Kamar Ali Shaikh i/b Ms. Saurabh N. Kshirsagar, for the
Petitioner.

Ms. M. H. Mhatre, APP for the Respondent No.1– State.

Mr. Harsh Dedhia, for Respondent No.2.

**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.**

DATE : 21st SEPTEMBER, 2022.

P. C. :

Heard learned Counsel for the parties.

2 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 on behalf of the respondent No.1–State. Learned Counsel Mr. Harsh Dedhia waives notice on behalf of the respondent No.2.

3 By this petition, the petitioners seek quashing and setting aside of the FIR bearing C.R.No.259 of 2018, registered with the Amboli Police Station, Andheri, Mumbai, as against the petitioners, for the alleged offences punishable under Sections 498-A, 406, 420 r/w 34 of the Indian Penal Code and consequently the proceeding arising therefrom, since the parties i.e. the petitioners and respondent No.2 have amicably settled their dispute.

4 Perused the papers. The petitioner No.1 is the husband, petitioner No.2 is the brother-in-law, petitioner No.3 is the mother-in-law and petitioner No.4 is the father-in-law of the respondent No.2 respectively.

5 It appears that, the petitioner No.1 and respondent No.2 got acquainted with each other on facebook in 2015 and pursuant thereto, decided to get married. Accordingly, the petitioner No.1 and the respondent No.2 got married on 10th March, 2017 at Vishweshwar Temple, at Bandra, Mumbai. Admittedly, the petitioner No.1 and the respondent No.2 have no issue from the said wedlock. It appears that post marriage, there were differences/ marriage

discord between the parties, pursuant to which, the respondent No.2 lodged the aforesaid C.R., alleging the aforesaid offences. After investigation, charge-sheet was filed as against the petitioners, and the case is presently pending before the learned Metropolitan Magistrate, 66th Court, Andheri, Mumbai, being Criminal Case No. PW/6600347/2019.

6 It appears that during the pendency of the said case, the parties amicably settled their dispute and filed Consent Terms, which are at page No.159 of the Petition. The said Consent Terms are filed in the Family Court Mumbai, at Bandra, in Petition No. A-558 of 2019.

7 Today, the learned Counsel for the respondent No.2 has tendered an affidavit of the respondent No.2 dated 17th September, 2022 duly affirmed before the Assistant Registrar, High Court. To the said affidavit is annexed the judgment and order dated 28th June, 2021 passed by the learned Family Court, Mumbai, by which the joint Petition filed by the petitioner No.1 and the respondent No.2 under Section 13(B) of the Hindu Marriage Act, 1955 was allowed

and the marriage was dissolved by a decree of divorce. Today, the respondent No.2 has given her no objection for quashing of the C.R. and the proceeding arising thereto.

8 Respondent No.2 is present in-person before the Court. Learned Counsel for the respondent No.2 identifies the respondent No.2. The xerox copy of the aadhar card of the respondent No.2 duly attested, is annexed to the affidavit tendered today at Exh.B, page No.9. The same is taken on record. Learned APP has verified the original aadhar card of the respondent No.2.

9 Considering the nature of dispute, the relations between the parties, the amicable settlement entered into between them, as well as 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, there is no impediment in allowing the petition.

10 The petition is accordingly allowed and the FIR bearing

¹ (2012) 10 SCC 303

² (2014) 6 SCC 466

C.R.No.259 of 2018, registered with the Amboli Police Station, Andheri, Mumbai and consequently Criminal Case No. PW/6600347/2019, pending before the learned Metropolitan Magistrate, 66th Court, Andheri, Mumbai, arising from the said C.R., are quashed and set-aside.

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

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

REKHA
PRAKASH
PATIL

Digitally signed by
REKHA PRAKASH
PATIL
Date: 2022.09.26
14:18:49 +0530

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.