

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1855 OF 2022

Dr.Ashish Vinod Gupta. ... Petitioner.
V/s.
The State of Maharashtra and another. ... Respondents.

Mr.Ghanshyam Mishra for the Petitioner.
Mr.K.V.Saste, APP for the Respondent- State.
Ms.Manjula Rao with Ms.Shweta Borhade for Respondent No.2.

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

DATE : 29 June 2022.

P.C. :

By this petition, the Petitioner is seeking the following
reliefs:

“(a) That this Hon’ble Court be pleased to issue a writ of mandamus or any other writ in the nature of mandamus or appropriate order and/ or direction by exercising its powers under section 482 of the Criminal Procedure Code read with Article 226 of the Constitution of India and quash the proceeding arising from F.I.R. No.92 of 2022 in MIDC Police Station, at Andheri.”

The reason for praying for this relief is that the Respondent No.2-
Complainant, the wife of the Petitioner has given her consent. The

Petitioner and Respondent No.2 are both doctors. Respondent No.2 filed an FIR under sections 323, 406, 498-A, 504, 506 of the Indian Penal Code alleging that the Petitioner subjected Respondent No.2 to physical and mental cruelty and demand of dowry.

2. The learned counsel for the Petitioner and Respondent No.2 jointly prayed that in view of the settlement arrived at between them of the disputes, the FIR be quashed. The learned counsel for the parties state that this is a fit case where the FIR can be quashed with consent of the parties and this Court has power to do so in the light of the law laid down by the Supreme Court in the case of *Gian Singh v. State of Punjab*¹. Learned counsel for the Petitioner and the learned counsel for Respondent No.2- Complainant have drawn our attention to the consent terms placed on record and the affidavit filed by Respondent No.2- Complainant.

3. To the petition, a mediation agreement has been annexed. The parties were referred to mediation during the hearing on anticipatory bail application. This mediation agreement is followed by consent terms filed in the Family Court, Bandra, Mumbai. In the consent terms, it is agreed that the parties will seek divorce by mutual consent. They have agreed their financial terms of settlement and have also agreed upon the issue of custody of the child. The consent terms refer to the present FIR and the statement of Respondent No.2 that she will give consent. In the affidavit filed

¹ (2012) 10 SCC 303

in this petition, Respondent No.2 has referred to the consent terms and the mediation agreement. The learned counsel for Respondent No.2 reiterates the no-objection of Respondent No.2.

4. Having considered the facts and circumstances, we are of the opinion that the contention of the learned counsel for the Petitioner and Respondent No.2 that the FIR needs to be quashed by consent deserves acceptance. The dispute that led to filing of FIR was a matrimonial dispute which now stands resolved. If the FIR is not quashed, it will impede the settlement process and it is not likely to result in conviction.

5. In light thereof, the petition deserves to be allowed and is accordingly allowed in terms of prayer clause (a).

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)