

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

CRIMINAL WRIT PETITION NO. 2941 OF 2022

1. Sushama Suresh Rane
2. Suresh Parshuram Rane
3. Pratik Suresh Rane
4. Sumit Suresh Rane
5. Smedha Suresh Rane

...Petitioners

Versus

1. The State of Maharashtra
2. Shreya @ Rajlaxmi Sumit Rane

...Respondents

Ms. Ilsa Shaikh for the Petitioners

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

Mr. Kapil P. Shetye for the Respondent No. 2

***CORAM : REVATI MOHITE DERE &
R. N. LADDHA, JJ.
MONDAY, 28th NOVEMBER 2022***

P.C :

1 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.

Ms. Shaikh waives notice on behalf of the respondent No.2.

3 By this petition, the petitioners seek quashing and setting aside of the FIR registered vide C.R. No. I-147/2009 with the Vishnu Nagar Police Station, Dombivali (West), Thane, as against the petitioners for the alleged offence punishable under Sections 498A, 323, 406, 504, 506 r/w 34 of the Indian Penal Code, and consequently, the proceeding being R.C.C. No. 963/PW/2019, pending before the learned Judicial Magistrate First Class at Kalyan. Quashing is sought on the premise that the petitioners and the respondent No. 2 have amicably settled their dispute.

4 Perused the papers. The petitioner Nos. 1 and 2 are the mother-in-law and father-in-law of the respondent No. 2; petitioner No. 3 is the brother-in-law; petitioner No. 4 is the husband and petitioner No. 5 is the sister-in-law of the respondent No. 2 respectively.

5 It appears that the petitioner No.4 and respondent No. 2 got married on 20.12.2015 at Dombivali (West), Thane, as per Hindu rights and rituals. According to the respondent No. 2, post marriage, the petitioners harassed and ill-treated her, hence, she lodged the aforesaid FIR as against the petitioners, alleging the aforesaid offences.

6 After investigation, charge-sheet has been filed in the said case and the proceeding is presently pending before the learned Judicial Magistrate First Class at Kalyan, Thane being R.C.C No. 963/PW/2019. It appears that the respondent No. 2 had also filed a DV complaint before the learned Judicial Magistrate First Class at Kalyan being PWDVA Application No. 25/2018. It also appears that petitioner No. 4 had filed a petition for divorce, being Marriage Petition No.24/2018 before the Joint Civil Judge, Senior Division, Kalyan.

7 It appears that during the pendency of the said proceedings, the parties amicably settled their dispute and as such,

the respondent No. 2 and the petitioner No. 4 filed consent terms for seeking divorce by mutual consent. The very same consent terms were also filed before the learned Judicial Magistrate First Class at Kalyan in the DV proceedings. The said consent terms are at Exhibit 'C' at page 99 of the petition. It appears from the said consent terms that the petitioner No. 4 has agreed to pay a lump-sum amount of Rs. 5,70,000/- by way of permanent alimony to the respondent No. 2. It appears that from the said amount, the respondent No. 2 has already received a sum of Rs. 2,00,000/- and the balance Rs. 3,70,000/- has been deposited in the divorce proceedings. As per the consent terms, the respondent No. 2 has agreed to give her no objection for quashing of the aforesaid proceedings initiated at her behest. The respondent No. 2 has also agreed to withdraw the DV complaint.

8 Learned counsel for the respondent No. 2 states that the respondent No. 2 has withdrawn the PWDVA Application No. 25/2018, R.D. No.8/2020 and Misc. Criminal Application No.

323/2018, pending before the 5th Court, learned Judicial Magistrate First Class, Kalyan.

9 The respondent No. 2 has also filed her affidavit, which is at page 117 of the petition. The said affidavit is dated 22.7.2022 and the same is duly affirmed before the Assistant Registrar, High Court. In the said affidavit, she has reiterated what is set out in the consent terms.

10 Learned counsel for the respondent No. 2 has tendered a self attested xerox copy of the Aadhar Card of the respondent No. 2. The same is taken on record. The respondent No. 2 is present in Court. Learned counsel for the respondent No.2 identified her. Learned A.P.P has verified the original Aadhar card of the respondent No.2. On being questioned, the respondent No.2 reiterates what is stated by her in her affidavit. She states that she has received Rs.2,00,000/- as per the consent terms. She states that she has also received her *streedhan* and all her articles and

belongings, and as such, has no objection for quashing of the FIR and consequently, the proceeding pending before the learned Judicial Magistrate First Class, Kalyan.

11 Considering the nature of dispute, relation between the parties, the consent terms entered into between the parties, the affidavit of the respondent No. 2 and having regard to the judicial pronouncements of the Apex Court in *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.

12 The petition is accordingly allowed. The FIR bearing C.R. No. I-147/2019 registered with the Vishnu Nagar Police Station, Dombivali (West), Thane, as against the petitioners and consequently the proceeding being R.C.C No. 963/PW/2019, pending before the learned Judicial Magistrate First Class, Kalyan, are quashed and set-aside.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

13 All parties to abide by the terms and conditions set-out in the consent terms.

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

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

R. N. LADDHA, J.

REVATI MOHITE DERE, J.