

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

CRIMINAL APPLICATION NO. 452 OF 2020

1. Vithal Rajaram Kharva
 2. Jyoti Vithal Kharva
 3. Vaibhav Vithal Kharva
- ... Applicants

Versus

1. State of Maharashtra
 2. Mrs. Manisha Vaibhav Kharva
- ... Respondents

Ms. Ruchi Pawar i/b. Mrs. Mallika Ingale for the Applicants.

Mr. K.V. Saste, APP for the State.

Mr. Chirag Hathiramani i/b. Yogesh Devnani for Respondent No.2.

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

DATE : 16th NOVEMBER, 2022

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ORDER (PER R.N. LADDHA, J)

Heard learned counsel for the parties.

2. Rule. The Rule is made returnable forthwith with the consent

of the parties and is taken up for final disposal. Learned APP waives notice on behalf of Respondent No.1-State. Mr.Chirag Hathiramani waives notice on behalf of Respondent No.2.

3. By this application, the applicants seek to quash the FIR No. 236 of 2019 lodged with Andheri Police Station, Mumbai, for the alleged offences punishable under Sections 498-A, 323, 504, 506 of the Indian Penal Code r/w Section 3(1)(r)(s) of the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act r/w Section 4 & 5 of the Dowry Prohibition Act. Quashing is sought on the premise that the parties have amicably settled their dispute and that Respondent No.2 has no objection to the quashing of the same.

4. Perused the papers. Applicant No.3 is the husband of Respondent No.2 and the Applicants No. 1 and 2 are the in-laws of Respondent No.2. Applicant No.3 got married to Respondent No.2 on 4th January 2013. After marriage, Respondent No.2 started residing at her matrimonial home with the Applicants.

Since there was marital discord/differences post marriage, Respondent No.2 lodged the FIR described above on 10th May 2019 against the Applicants alleging that after her marriage, she was harassed/ill treated by the Applicants. Allegations of demand of dowry and abusing the Respondent No.2 in the name of her caste were also made. Pursuant thereto, the Respondent No.2 lodged the aforesaid FIR as against the Applicants.

5. All the Applicants and Respondent No.2 are personally present before the Court and they are identified by their learned Counsel. The parties have resolved their dispute amicably and on 29th August 2022 have voluntarily entered into consent terms. As per the consent terms, the parties have amicably settled their dispute. The Respondent No.2 and the Applicant No.3 have mutually agreed to file a petition for divorce. The Petitioner No.1 has agreed to pay an amount of Rs.11,50,000/- to the Respondent No.2 by way of permanent alimony. The parties have decided to withdraw all the allegations against one another and separate amicably. The parties assure that they will abide by the terms and

conditions set out in the consent terms.

6. Respondent No.2 has filed her affidavit dated 29th August 2022 duly affirmed before the Notary. In the affidavit, she has stated that she has no objection for quashing of the said FIR registered at her behest. On questioning, she reiterates what is stated by her in her affidavit and further states that she has no objection to the quashing of the aforesaid FIR bearing C.R. No. 236/2019 registered with Andheri Police Station, Mumbai. Respondent No.2 has been identified by her counsel. Learned Counsel for the Respondent No.2 has tendered a self attested photocopy of the Aadhar card of Respondent No.2. The same is taken on record and the original Aadhar Card is verified by the learned APP. We are informed that the charge-sheet has not yet been filed. Learned Additional Public Prosecutor submits that appropriate orders in the matter may be passed.

7. Considering the nature of the dispute, the relations between the parties, the amicable settlement between them, the affidavit of

Respondent No.2, the consent terms entered into between the parties and having regard to the judicial pronouncements of the Apex Court in *Gian Singh v/s. State of Punjab & Anr*¹ and *Narinder Singh & Ors. v/s. State of Punjab & Anr.*², there is no impediment in allowing the petition.

8. The petition is accordingly allowed, and the FIR No. 236 of 2019 registered with Andheri Police Station, Mumbai is quashed and set aside.

9. Rule is made absolute in the above terms. The petition is disposed of accordingly.

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

R. N. LADDHA, J.

REVATI MOHITE DERE, J.

L.S. Panjwani, P.S.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466