

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 524 OF 2022

1. Mayank Anil Thanvi
2. Sunita Anil Thanvi
3. Anil Thanvi
4. Madhura Anil Thanvi
5. Amit Sudan Joshi
6. Ravi Sudan Joshi
7. Dheeraj Changani

...Applicants

Versus

1. Priya Mayank Thanvi
2. The State of Maharashtra

...Respondents

Mr. Shyamrishi Pathak for the Applicants.

Mr. Pankaj Das for the Respondent No.2.

Mr. Y.M.Nakhwa, A.P.P for the Respondent-State.

**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.**
DATE : 16th SEPTEMBER, 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.2–State. Mr. Pankaj Das waives notice on behalf of the respondent No.1.

3. By this application, the applicants seek quashing of the FIR bearing C.R. No. 361 of 2019 registered with the Ulhasnagar Police Station, Kalyan, District Thane, for the alleged offences punishable under Sections 406, 498-A, 504, 506 r/w 34 of the Indian Penal Code.

4. Learned Counsel for the applicant submits that the parties have resolved their dispute amicably and have entered into the consent terms. He submits that the respondent No.1 has no objection if the proceedings i.e. the aforesaid C.R and all consequential proceedings thereto, are quashed and set-aside.

5. Learned Counsel for the respondent No.1 has tendered an affidavit of the respondent No.1 dated 16th September, 2022.

6. Learned Counsel for the respondent No. 1 does not dispute the fact that the parties have amicably resolved their dispute and have entered into consent terms. The respondent No. 1 is present in Court. Learned Counsel for the respondent No. 1 has tendered a self attested xerox copy of the aadhar card of the respondent No. 1. The same is taken on record. On questioning, she re-iterates what is stated by her in her affidavit that she has no objection for quashing of the FIR bearing C.R. No.361 of 2019 registered with the Ulhasnagar Police Station, Kalyan, District Thane.

7. Perused the papers. The applicant No.2 is the husband of the respondent No.1-Priya, the applicant Nos.2 and 3 are the in-laws, and the applicant No.4 is the brother-in-law of the respondent No.1, and the applicant Nos.5 to 7 are the relatives of the applicant No.1 – husband. It appears that the applicant No.1 and the respondent No.1 got married on 15th September, 2017 at Akola. Thereafter, certain matrimonial issues/disputes started between the parties, pursuant to which, the respondent No.1 lodged the complaint/FIR which was

registered vide C.R.No. 361 of 2019 with the Ulhasnagar Police Station, Kalyan, District Thane, for the alleged offences punishable under Sections 406, 498-A, 504, 506 r/w 34 of the Indian Penal Code. After investigation, chargesheet was filed as against the applicant. It appears that in addition to the aforesaid C.R., respondent No.1 – Priya also filed proceedings under Section 125 of the Criminal Procedure Code before the learned Judicial Magistrate, First Class, Ulhasnagar, Kalyan, District Thane. It appears that thereafter, the dispute was amicably settled between the applicant No.1 and the respondent No.1 and Consent Terms were entered into by the parties. Learned Counsel for the parties have tendered the Consent Terms dated 16th September, 2022, entered into by and between the parties i.e. the applicants and the respondent No.1. The said Consent Terms are taken on record and marked 'X' for identification.

8. From the said Consent Terms, it appears that the parties have amicably settled their dispute and that the respondent No.1 has given her no objection for quashing the aforesaid C.R.No. 361 of

2019 registered with the Ulhasnagar Police Station, Kalyan, District Thane, as against the applicants. It also appears from clause 14 of the said Consent Terms that the applicant No.1 has agreed and undertaken to return all the belongings including the jewelry and stridhan of the respondent No.1 within two days from today. Both parties have also agreed and undertaken to withdraw all allegations as against each other, wherein the proceedings initiated by them.

9. The applicant No.1 and the respondent No.1 have also agreed to file a divorce by mutual consent and have agreed to convert the Marriage Petition No. 1798 of 2021, pending before the learned Civil Judge, Senior Division, Kalyan, District Thane, into a petition for divorce, by mutual consent. It appears that the applicant No.1 has paid an amount of Rs.27,54,000/- by two DD's, to the respondent No.1, by way of an one time settlement. The details of the Demand Drafts have been set out in para 17 of the Consent Terms. We are informed by the learned Counsel for the respondent No.1, that the respondent No.1 has deposited the said two Demand Drafts for the

said amount i.e. Rs.27,54,000/-.

10. The applicant No.1 and the respondent No.1 are present in the Court. They both assure to honour the Consent Terms tendered today.

11. Considering the nature of dispute 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 application.

12. The application is accordingly allowed and the FIR bearing C.R. No. 361 of 2019 registered with the Ulhasnagar Police Station, Kalyan, District Thane, is quashed and set aside and the proceeding arising from the said C.R., is also quashed and set-aside.

¹ (2012) 10 SCC 303

² (2014) 6 SCC 466

13. Rule is made absolute in the aforesaid terms. Application is disposed of accordingly.

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

15. Stand over to 30th September, 2022 for recording compliance of return of jewelry.

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.