

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

CRIMINAL APPLICATION NO. 531 OF 2022

1. Yogesh Suresh Muntode
2. Suresh Yashwant Muntode
3. Alka Suresh Muntode
4. Sanjay Paulas Pandit
5. Varsha Sanjay Pandit
6. Rahul Namdeo Jadhav
7. Amrapalli Suresh Muntode ...Applicants

vs.

1. Mrs. Karishma w/o Yogesh Muntode
Nee Ms. Karishma Jaywant Waghmare
2. Sr. Inspector of Police
Dindoshi Police Station,
Malad (East)
3. State of Maharashtra ...Respondents

Mr. O. R. Tiwari - Advocate for the Applicants

Mr. K. V. Saste - APP for the Respondent-State

Mr. Mohit N. Darji i/by Mr. Anil R. Kale – Advocate for the
Respondent No. 1

Mr. Bharat Darade – API Dindoshi Police Station

**CORAM : REVATI MOHITE DERE &
 S. M. MODAK, JJ.**

DATE : 06th OCTOBER, 2022

P. C. :-

1. Heard learned counsel for the parties.

2 Rule. Rule is made returnable forthwith, with the consent of the parties and the application is taken up for final disposal. Learned A.P.P waives notice on behalf of the Respondent No. 3-State. Mr. Mohit N. Darji waives notice on behalf of the Respondent No. 1.

3 By this application, preferred under Section 482 of the Criminal Procedure Code, the Applicants seek quashing of the Complaint/FIR, registered vide C.R. No. 85 of 2017, with the Dindoshi Police Station, Malad, Mumbai, for the alleged offences punishable under Sections 498A, 406, 323, 504 r/w 34 of the Indian Penal Code. Quashing is sought on the premise, that the Applicants and the Respondent No. 1 have amicably settled their dispute

and the Respondent No. 1 has withdrawn all allegations as against the Applicants and given her no objection to the quashing of the said case.

4. Perused the papers. The Applicant No. 1 is the husband of the Respondent No. 1 and the Applicant Nos. 2 and 3 are the in-laws and the Applicant Nos. 5 and 7 are the sisters-in-law of the Respondent No. 1 respectively. As far as the Applicant Nos. 4 and 6 are concerned, they are the brothers-in-law of the Respondent No. 1. The Applicant No. 1 and the Respondent No. 1 got married on 28/05/2017 at the RBI Community Hall, Malad (East) Mumbai according to Hindu Vedic rites and rituals. Post marriage, the Respondent No. 1 started residing at her matrimonial house. It appears that after 26/10/2017, the Applicant No. 1 shifted permanently to his native place at Ahmednagar, as there was some marital discord/differences between the parties. Pursuant thereto, the Respondent No. 1 filed a complaint/F.I.R. as against the Applicants with the Dindoshi Police Station, Malad, Mumbai, alleging the aforesaid

offences. We are informed that till the date, charge-sheet has not been filed.

5 It appears that in the interregnum, during the pendency of the aforesaid C.R., the parties amicably settled their dispute and entered into a deed of mutual settlement. The said deed of mutual settlement is at Exh. 'B', on page no. 26 of the application. The same is duly signed by the Applicants as well as the Respondent No. 1.

6 Learned counsel for the Respondent No. 1 has filed an affidavit of the Respondent No. 1 and has tendered an additional affidavit of the Respondent No. 1 dated 05/10/2022 duly notarized before the Notary. The said additional affidavit is taken on record. Learned counsel for the Respondent No. 1 has also tendered a self attested xerox copy of her Aadhar card. The same is also taken on record. She is identified by her counsel. Learned APP has verified the original Aadhar card of the Respondent No. 1. In the additional affidavit tendered today, the Respondent No.

1 re-iterates what is stated by her in an earlier affidavit. She has stated that allegations made by her as against the Applicants Nos. 4 and 6 are not true and incorrect. Learned APP, on instructions, submits that during the course of investigation, no substance was found in the allegations made by the Respondent No. 1 with respect to allegations of rape i.e. 376(D), as against the Applicant Nos. 4 and 6. Thus, from the aforesaid, it is clearly evident, that the allegations levelled against the said Applicant Nos. 4 and 6 are false. Thus, no offence under Section 376(D) of the Indian Penal Code is disclosed as against the Applicant Nos. 4 and 6. Thus, what remains are Sections 498A, 406, 323, 504 r/w 34 of the Indian Penal Code.

7 Considering the aforesaid and the additional affidavit of the Respondent No. 1, the relations between the parties and 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***

1 (2012) 10 SCC 303

Punjab & Anr.², there is no impediment in allowing the application.

8 The application is accordingly allowed and the FIR bearing C.R. No. 85/2017 registered with the Dindoshi Police Station, Malad, Mumbai is quashed and set aside.

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

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

[S. M. MODAK, J.]

[REVATI MOHITE DERE, J.]

² (2014) 6 SCC 466