

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

CRIMINAL APPLICATION NO.567 OF 2022

Sakshi Rajkumar Singh

...Applicant

Versus

1. The State of Maharashtra
2. Senior Inspector of Police
3. Bhavyata Bhagavati Duggad

...Respondents

***WITH
CRIMINAL APPLICATION NO.571 OF 2022***

1. Bhagawati Parasmal Duggad (Jain)
2. Parasmal Mohanlal Duggad
3. Vimladevi Parasmal Duggad

...Applicants

Versus

1. The State of Maharashtra
2. Senior Inspector of Police
3. Bhavyata Bhagavati Duggad

...Respondents

Mr. Neeraj Yadav i/b Ms. Sunayana Dhakkad, for the Applicants.

Mr. K. V. Saste, A.P.P for the Respondent Nos.1 and 2.

Mr. Devvrat Singh i/b Ms. Sangeeta Yadav, for the Respondent No.3.

***CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.
DATE : 14th DECEMBER 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 APP waives notice on behalf of the respondent Nos.1 and 2. Mr. Singh waives notice on behalf of the respondent No.3.

3. By these applications preferred under Section 482 of the Code of Criminal Procedure, the applicants in both the aforesaid applications seek quashing of the FIR bearing C.R. No. 25 of 2017 registered with the Vashi Police Station, Navi Mumbai, for the alleged offences punishable under Sections 498A, 406, 420, 323, 504, 506 r/w 34 of the Indian Penal Code. Quashing is sought on the premise, that the parties have amicably settled their dispute.

4. Perused the papers. The applicant No.1 is the husband of the respondent No.3 and the applicant Nos.2 and 3 are the father-in-law and mother-in-law respectively of the respondent No.3 in Criminal Application No.571 of 2022. The applicant in Criminal Application No.567 of 2022 is not related to the respondent No.3.

The said applicant has been arraigned as an accused by the respondent No.3, as according to her the applicant was having an affair with her husband. It appears that the respondent No.3 and the applicant No.1 in Criminal Application No.571 of 2022 i.e. Bhagawati Parasmal Duggad (Jain) got married at Nathdwara, Rajasthan on 15th February 2009, as per Hindu customs and rituals. Post marriage, as according to the respondent No.3, she was allegedly ill-treated and harrassed and as her husband was having an affair, she filed the aforesaid FIR, as against the applicants, alleging the aforesaid offences. After investigation, charge-sheet was filed in the said case and the case is presently pending before the learned 4th Joint Civil Judge Junior Division and Judicial Magistrate First Class, Belapur, being C.C. No.1138 of 2017.

5. In the interregnum, during the pendency of the aforesaid proceeding, the parties amicably settled their dispute and decided to put a quietus to their dispute. Accordingly, the parties entered into Consent Terms. Learned Counsel for the applicants and the

respondent No.3 have tendered the consent terms entered into between the parties. The said consent terms are taken on record. The consent terms reveal that the dispute has been amicably settled between the parties, on certain terms and conditions stipulated therein.

6. Learned Counsel for the respondent No.3 has also tendered an affidavit of the respondent No.3 dated 14th December 2022, duly notarized before the Notary. To the said affidavit is annexed a self attested photocopy of the aadhar card of the respondent No. 3. The said affidavit is taken on record. In the said affidavit, the respondent No.3 has stated that she has amicably settled the dispute and has entered into consent terms with the applicant No.1 in Criminal Application No.571 of 2022 and that she has no objection to the quashing of the FIR as against the applicants, lodged at her behest. Respondent No. 3 is present in Court. On being questioned, she re-iterates what is stated by her in her affidavit. Learned Counsel for the respondent No.3 has identified the

respondent No.3 and the learned APP has also verified the original aadhar card of the respondent No.3. As far as the applicant in Criminal Application No.567 of 2022 is concerned, *prima-facie*, no offence as alleged is disclosed, as against her, inasmuch as, she is not related even remotely to the applicants in Criminal Application No.571 of 2022.

7. Considering the nature of dispute; the amicable settlement between the parties; the relations between the parties, the consent terms entered into between the parties, the affidavit of the respondent No.3 and having regard to the judicial pronouncements of the Apex Court in *Gian Singh vs. State of Punjab and Another*¹ and *Narinder Singh and Others vs. State of Punjab and Another*², there is no impediment in allowing the aforesaid applications.

8. Both the aforesaid applications are accordingly allowed and the FIR bearing C.R. No. 25 of 2017 registered with the Vashi

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

Police Station, Navi Mumbai, is quashed and set aside and consequently, the proceeding pending before the learned 4th Joint Civil Judge Junior Division and Judicial Magistrate First Class, Belapur, being C.C. No.1138 of 2017, is also quashed and set-aside.

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

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.