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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2503 OF 2022

Mehul K. Doshi and ors.

... Petitioners

V/s.

Union of India and ors.

... Respondents

Mr. Prakash H. Israni for the Petitioners.

Ms Bhagyashri Solanki for the Respondent No.2.

Mr. K.V. Saste, APP for the Respondent No.3 – State.

CORAM : NITIN JAMDAR &
N.R. BORKAR, JJ.

DATE : 27 JULY 2022.

P.C.

. The present petition under Article 226 of the Constitution of India read with Section 482 of Code of Criminal Procedure, 1973 is filed to quash the First Information Report No.18 of 2018 (hereinafter referred to as “FIR”, for short) dated 16 January 2018 registered at Mulund Police Station, Mumbai against the Petitioners for the offences punishable under Sections 498(A), 406, 323, 504, read with 34 of Indian Penal Code and criminal case bearing R.C.C.No.646/PW/2018 pending on the file of Metropolitan Magistrate Court, Mulund arising out of the said FIR.

2. The aforesaid crime came to be registered at the instance of Respondent No.2, who has *inter alia* alleged that she was subjected

to mental and physical cruelty at the hands of her husband and in-laws. The Petitioner No.1 is the husband of Respondent No.2. The Petitioner Nos.2 and 3 are her father-in-law and mother-in-law respectively.

3. The learned Counsel for the Petitioners and the learned Counsel for Respondent No.2 jointly submit that the parties have amicably settled the dispute. It is submitted that the Petitioner No.1 and Respondent No.2 have decided to take divorce by mutual consent and they have filed the joint petition to that effect before the Family Court at Bandra. It is submitted that no purpose would be served by keeping the prosecution alive, in view of the settlement arrived at between the parties. The learned Counsel for the parties submit that present case is squarely covered by the law laid down by the Hon'ble Supreme Court in the case of *Gian Singh vs. State of Punjab*¹.

4. The Respondent No.2 has filed the consent affidavit dated 19 July 2022. Respondent No.2 has stated that pursuant to amicable settlement, the Petitioner No.1 has deposited amount of Rs.1500000/- before the Family Court at Bandra towards permanent alimony. Respondent No.2 has stated that she has no objection if the FIR and the criminal case in question are quashed in view of the settlement arrived at between the parties.

¹ (2012) 10 SCC 303

5. The Hon'ble Supreme Court in the case of *Gian Singh (supra)* has held :

“But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim.”

6. We have examined the facts of the present case in the light of law laid down by the Hon'ble Supreme Court in *Gian Singh's* case. The main reason for filing of the FIR appears to be matrimonial discord. The allegations are totally of personal nature. In view of the settlement between the parties, Respondent No.2 is not going to support the prosecution case and therefore, possibility of conviction is remote and bleak. Nothing fruitful will therefore come out of the prosecution in question. Apart from it, if the criminal case in question is not quashed, the settlement arrived at between the parties would be disrupted. Considering these facts and

circumstances, the petition deserves to be allowed. Hence, the Petition is allowed. Consequently, the FIR No. 18 of 2018 registered at Mulund Police Station against the Petitioners for the offences punishable under Sections 498(A), 406, 323, 504 read with 34 of the IPC and R.C.C. No. 646/PW/2018 pending on the file of Metropolitan Magistrate Court, Mulund are quashed and set aside.

7. Writ Petition is disposed of.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)