

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

CRIMINAL WRIT PETITION NO.2383 OF 2022

- | | | |
|----|-----------------------|----------------|
| 1. | Sandesh Ganesh Lahane | |
| 2. | Ganesh Lahane | |
| 3. | Ruei Ganesh Lahane | ...Petitioners |
| | Versus | |
| 1. | State of Maharashtra | |
| 2. | Pooja Sandesh Lahane | ...Respondents |

Mr. Rakesh Singh a/w Mr. Manoj Kumar Singh and Mr. Siddharth Singh, for the Petitioners.

Mr. J. P. Yagnik, A.P.P for the Respondent No.1– State.

Mr. Anil Chauhan, for the Respondent No.2.

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

DATE : 28th NOVEMBER 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.1–State. Mr. Chauhan, waives notice on behalf of the respondent No.2.

3. By this petition, the petitioners seek quashing of the FIR bearing C.R. No. 80 of 2017 registered with the Tilak Nagar Police Station, Mumbai, for the alleged offences punishable under Sections 498A, 406, 506(2), 324, 504 r/w 34 of the Indian Penal Code and under Sections 3 and 4 of the Dowry Prohibition Act. Quashing is sought on the premise, that the parties have amicably settled their dispute.

4. Perused the papers. The petitioner No.1 is the husband of the respondent No.2 and the petitioner Nos. 2 and 3 are the in-laws. It appears that the petitioner No.1 and the respondent No.2 got married on 6th January 2017, as per Hindu rites and rituals. After marriage, the respondent No.2 started residing with the petitioners. As there was alleged ill-treatment and harassment, the respondent No.2 lodged the aforesaid C.R, as against the petitioners, alleging the aforesaid offences. After investigation, charge-sheet was filed in the said case and the case is presently pending before the learned Metropolitan Magistrate, 34th Court, Vikhroli, Mumbai, being Case

No.807/PW/2017.

5. In the interregnum, during the pendency of the aforesaid proceeding, the parties amicably settled their dispute. It appears that the petitioner No.1 by way of final settlement has paid a sum of Rs.3 lakhs to the respondent No.2. Learned counsel for the respondent No.2, on instructions of the respondent No.2, who is present in Court, acknowledges the receipt of Rs.3 lakhs from the petitioner No.1.

6. Learned counsel for the respondent No. 2 has filed an affidavit of the respondent No.2 dated 28th November 2022, duly notarized before the Notary. To the said affidavit is annexed a self-attested photocopy of the aadhar card of the respondent No.2. The said affidavit is taken on record. In the said affidavit, the respondent No.2 has stated that she has amicably settled the dispute with the petitioners and as such has no objection to the quashing of the aforesaid FIR/case. Respondent No. 2 is present in Court. On

questioning, she re-iterates what is stated by her in her affidavit. She states that she has received her streedhan and all her articles as well as Rs.3 lakhs by way of final settlement and as such has no objection to the quashing of the proceeding, *qua* the petitioners. Learned Counsel for the respondent No.2 has identified the respondent No.2 and the learned APP has verified the aadhar card of the respondent No.2.

7. Considering the nature of dispute, the relations between the parties, the amicable settlement between them, the affidavit of the respondent No.2 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 petition.

8. The petition is accordingly allowed and C.R. No. 80 of 2017 registered with the Tilak Nagar Police Station, Mumbai, is quashed and set aside and consequently the proceeding pending

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

before the learned Metropolitan Magistrate, 34th Court, Vikhroli, Mumbai, being Case No.807/PW/2017, is also quashed and set aside.

9. Rule is made absolute in the aforesaid terms. 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.