

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

CRIMINAL WRIT PETITION NO.3799 OF 2022

1. Smita Pankaj Utekar
2. Pooja Pramod Chavan ...Petitioners
- Versus
1. The State of Maharashtra
2. The Senior Police Inspector
3. Mayuri Mohan Pashilkar ...Respondents

Mr. Kunal Bhanage a/w Mr. Vasim Siddiqui i/b Mr. Akshay Pawar, for
the Petitioners.

Mr. Y. M.Nakhwa, A.P.P for the Respondent Nos.1 and 2.

Ms. Chinmayee Ghag, for the Respondent No.3.

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

DATE : 20th OCTOBER 2022

P.C. :

1. At the outset, learned counsel for the petitioners seeks leave to amend to implead the complainant, as party respondent No.3 and to delete the petitioner No.1 from the array of petitioners. Leave granted. Amendment to be carried out forthwith.
2. Heard learned counsel for the parties.

3. 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. Ms. Ghag waives notice on behalf of the respondent No.3.

4. By this petition, the petitioners seek quashing of the FIR bearing C.R. No. 222 of 2006 registered with the Sahar Police Station, Mumbai, for the alleged offences punishable under Sections 324, 504, 427, 323 r/w 34 of the Indian Penal Code ('IPC'). Quashing is sought on the premise, that the parties have amicably settled their dispute.

5. Perused the papers. The petitioner No.1 is the sister-in-law of the respondent No.3 and the petitioner No.2 is the sister of petitioner No.1. It appears that the respondent No.3's brother was married to petitioner No.1 on 30th April 2005. It appears that the respondent No.3's brother and petitioner No.1's husband committed suicide on 22nd March 2006, pursuant to which, there was constant

friction and disputes between the parties, resulting in cross cases being initiated by the parties against each other. The present case is one such case between the parties. After investigation, charge-sheet was filed in the said case and presently the case is pending before the learned 22nd Additional Chief Metropolitan Magistrate at Andheri, Mumbai, being Police Case No. PW/2200826/2006.

6. It appears that during the pendency of the aforesaid proceeding, the parties amicably settled their dispute. Learned Counsel for the respective parties inform that the parties will be filing consent terms in the Family Court Appeal No.190 of 2009, which is pending before this Court.

7. Learned Counsel for the respondent No. 3 has tendered an affidavit of the respondent No.3 dated 20th October 2022, duly affirmed before the Notary. To the said affidavit is annexed a self attested xerox copy 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 settled the dispute with the petitioners and that they will be filing consent terms in the Family Court Appeal. She has stated that in view of the settlement, she has no objection to the quashing of the proceeding initiated at her behest. Respondent No. 3 is present in Court. On questioning, 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.

8. Considering the nature of dispute; the amicable settlement between the parties; the relations between the parties 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.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

9. The petition is accordingly allowed and the FIR bearing C.R. No. 222 of 2006 registered with the Sahar Police Station, Mumbai, and consequently the proceeding pending before the learned 22nd Additional Chief Metropolitan Magistrate at Andheri, Mumbai, being Police Case No. PW/2200826/2006, are quashed and set-aside.

10. Rule is made absolute in the aforesaid terms. Petition is disposed of accordingly.

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

S. M. MODAK, J.

REVATI MOHITE DERE, J.