

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

CRIMINAL WRIT PETITION NO.2858 OF 2022

1. Dhananjay Rama Utekar
 2. Shobha Dhananjay Utekar
 3. Megha Dhananjay Utekar alias
Megha Swapnil Rane
 4. Nita Dhananjay Utekar alias
Nita Manish Jadhav
 5. Lalana Dhananjay Utekar alias
Sunaina Santosh Jagtap
 6. Mohan Maruti Pashilkar
 7. Mayuri Mohan Pashilkar
- ...Petitioners

Versus

1. The State of Maharashtra
 2. The Senior Police Inspector
 3. Smita Pankaj Utekar
- ...Respondents

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

Mr. K. V. Saste, 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.8 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. 02 of 2006 registered with the Meghwadi Police Station, Mumbai, for the alleged offence punishable under Sections 324, 504, 506(2) 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 Nos.1 and 2 are the in-laws of the respondent No.3 (original complainant), and the petitioner Nos.3 to 5 and 7 are the sisters-in-law and petitioner No.6 is the brother-in-law of the respondent No.3 respectively. It appears that the respondent No.3 got married to the son of the petitioner Nos.1 and 2, on 30th April 2005. It appears that the respondent No.3's husband committed suicide on 22nd March 2006, pursuant to which, there was constant friction and disputes between the parties, resulting in both civil and criminal proceedings being initiated by both the parties. This is one such case instituted by the respondent No.3, 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 Railway Mobile Court, being Case No.1838/PW/2008.

6. It appears that during the pendency of the aforesaid proceeding, the parties not only settled the present dispute but also other disputes between the parties.

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 resolved the dispute with the petitioners and as such has no objection to the quashing of the proceeding. Learned Counsel for the respondent No.3 states that the respondent No.3 and the petitioners will be filing consent terms in the Family Court Appeal, which is pending before this Court i.e. Family Court Appeal No.190 of 2009. Learned Counsel for the parties have tendered a xerox copy of the consent terms entered into between the parties, which are to be filed in the aforesaid Family Court Appeal No.190 of 2009. A perusal of the said consent terms shows that the petitioner No.2 - Shobha Dhananjay Utekar, has agreed to pay/remit to the respondent No.3, an amount of Rs.1,50,000/- as and by way of cheque/demand draft, upon all the criminal proceedings being quashed

as against her and others. Learned Counsel for the petitioners states that the petitioners will abide by the consent terms and will remit/pay the said amount as agreed, on the proceedings being quashed. 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.

9. The petition is accordingly allowed and the FIR bearing C.R. No. 02 of 2006 registered with the Meghwadi Police Station,

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

Mumbai and consequently the proceeding pending before the Railway Mobile Court, being Case No.1838/PW/2008, 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.