

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 234 OF 2021

Shri Ashish Chandrakant Karani & Ors. ... Petitioners

Versus

State of Maharashtra & Anr. ... Respondents

.....

Mr. Bharat Bhatia for the Petitioners.

Mr. J.P. Yagnik, APP for the State.

Ms. Manda Chavan for Respondent No.2.

.....

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

DATED : 29 AUGUST 2022

P.C. :-

The learned Counsel for Respondent No.2 states that instructions have been received to represent Respondent No.2 and Vakalatnama will be filed during the course of the day. The learned Counsel states that Respondent No.2 is present in the Court and has given discharge to the earlier Advocate.

2. We have heard the learned Counsel for the parties. Taken up for disposal.

3. 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 FIR bearing No. 21 of 2020 dated 12 January 2020 registered with Dadar Police Station, Mumbai against the Petitioners for the offences punishable under Sections 498 (A), 323, 506, 504 read with 34 of the Indian Penal Code.

4. Respondent No. 2 filed the FIR alleging that she was subjected to mental and physical cruelty and demands of dowry by the Petitioners. The Petitioner No.1 is the husband of Respondent No.2 and the Petitioner Nos. 2 and 3 are the in-laws.

5. The learned Counsel for the Petitioners and learned Counsel for Respondent No.2 jointly pray that FIR and the resultant proceedings be quashed with the consent of Respondent No.2. The learned Counsel for the parties state that the consent affidavit is filed by Respondent No.2. Placing on record the consent terms filed before the Family Court at Bandra in Petition No. A- 3091 of 2021 on 14 July 2022, the parties have agreed for a particular course of action and Respondent No.2 has agreed to give consent for quashing of the FIR with reference to the present proceedings. The learned Counsel for the parties state that the consent terms have been placed on record of the Family Court and the Family Court has placed the matter on 29 September 2022 for passing final order.

6. Having perused the FIR, we find that it is outcome of the matrimonial dispute between the parties. The parties have now resolved the said matrimonial dispute and have filed the consent terms. Keeping the prosecution pending in view of these developments would be a harassment to all the parties and it is not likely to result in conviction. Therefore, the learned Counsel for the parties are right in relying upon the decision of the Supreme Court in the case of *Gian Singh vs. State of Punjab*¹.

7. Case is made out to grant relief in this petition.

8. Writ petition is, accordingly, allowed in terms of prayer clause (a).

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)

¹ (2012) 10 SCC 303