

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

***CRIMINAL WRIT PETITION NO. 2242 OF 2022
(FOR QUASHING OF FIR)***

1. Pankaj Adityanarayan Mishra
2. Adityanarayan Shitalprasad Mishra
3. Vidya Adityanarayan Mishra
4. Ramnarayan Shitlaprasad Mishra
5. Shushma Ramnarayan Mishra ...Petitioners

Versus

1. The State of Maharashtra
2. Bina Pankaj Mishra ...Respondents

Mr. Rahul Arote a/w Ms. Tanvi Mahadik for the Petitioner

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

Ms. Pranali Pate for the Respondent No. 2

**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.
THURSDAY, 22nd SEPTEMBER 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 service on behalf of the respondent No.1–State. Ms. Pate waives service on behalf of the respondent No.2.

3 By this petition, the petitioners seek quashing of the FIR bearing C.R. No. 4/2020 registered with the Koparkhairane Police Station, for the alleged offence punishable under Sections 498A, 323, 504, 506, 406 r/w 34 of the Indian Penal Code. Quashing is sought by the parties on the premise that the parties have amicably settled their dispute.

4 Perused the papers. The petitioner No. 1 is the husband of respondent No.2, the petitioner Nos. 2 and 3 respectively, are the in-laws of the respondent No.2, the petitioner Nos. 4 and 5 are the uncle and aunt of petitioner No.1. It appears that the petitioner No. 1 and respondent No. 2 got married on 6th May 2018 as per Hindu Vedic

rites and rituals at Allahabad, Uttar Pradesh. After marriage, the respondent No. 2 started residing at her matrimonial home at Bilwaria, Uttar Pradesh, as there were disputes and marital discord between the parties, pursuant to which, the respondent No. 2 filed the aforesaid C.R. as against the petitioners alleging the aforesaid offences. We are informed that till date, charge-sheet has not been filed in the said case.

5 It appears that during the pendency of the said case, the parties amicably settled their dispute and have filed consent terms in the Family Court at Thane in Petition No. A-1414/2020. As per the consent terms, the petitioners have agreed to pay a sum of Rs. 80,000/- to the respondent No. 2, by way of permanent alimony. Admittedly, the parties have no issues.

6 The affidavit filed by the respondent No. 2 dated 15th July 2022 is at page 33 of the petition. The said affidavit is duly affirmed

before the Assistant Registrar. IN the said affidavit, in para 7, the respondent No. 2 has given her no objection to the quashing of the aforesaid proceedings initiated at her behest, as against the petitioners.

7 Respondent No. 2 is present in Court. Learned counsel for the respondent No. 2 tendered a self-attested xerox copy of the Aadhar Card of the respondent No. 2. Learned counsel for the respondent No. 2 identifies her. Learned A.P.P has verified the original Aadhar Card of the respondent No.2. When questioned, respondent No. 2 reiterates what is stated by her in the affidavit. She states that she has received her streedhan and that she has no objection for quashing of the FIR bearing C.R. No. 4/2020 registered with the Koparkhairane Police Station. It is stated that Rs. 80,000/- are to be paid by the petitioner No. 1 in the Family Court as per the consent terms. The modified clause No.5 of the consent terms is at page 32 at Exhibit `D' to the petition. The same reads thus :

“Clause No.5 : Both parties agree and undertake that Respondent husband ready to give Rs. 80,000/- to petitioner wife towards her claim of

lumpsum maintenance, permanent alimony for past, present and future by way of D.D. in her name after quashing 498 case.”

8 Considering the relations between the parties, the nature of dispute and the consent terms entered into between the parties and having regard to the judicial pronouncements of the Apex Court in *Gian Singh vs. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. vs. State of Punjab & Anr.*², there is no impediment in allowing the petition.

9 The petition is accordingly allowed and the FIR bearing C.R. No. 4/2020 registered with the Koparkhairane Police Station and all consequential proceedings arising therefrom, are quashed and set-aside.

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

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.