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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPLICATION NO. 687 OF 2022**

Kiran V. Uchil and ors.

... Applicants

V/s.

The State of Maharashtra and anr.

... Respondents

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Mr. Harshavardhan G. Khambete for the Applicants.

Mr. Y.M. Nakhawa, APP for the Respondent No.1 – State.

Mr. S.S. Shetye for Respondent No.2.

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**CORAM       :     NITIN JAMDAR &  
                              N.R. BORKAR, JJ.**

**DATE         :     2 AUGUST 2022.**

**P.C.**

.     The present application under Section 482 of Code of Criminal Procedure, 1973 is filed to quash the First Information Report No.0531 of 2019 (hereinafter referred to as “FIR”, for short) dated 18 November 2019 registered at Kalwa Police Station, Thane against the Applicants for the offence punishable under Section 498-A read with 34 of Indian Penal Code and criminal case bearing R.C.C. No.785 of 2021 pending on the file of 8<sup>th</sup> Joint Civil Judge Junior Division and Judicial Magistrate First Class, Thane arising out of the said FIR.

2. The aforesaid crime came to be registered at the instance of Respondent No.2, who has *inter alia* alleged that she was subjected to mental and physical cruelty at the hands of her husband and in-laws. The Applicant No.1 is the husband of Respondent No.2 and Applicant Nos.2 to 5 are her in-laws.

3. The learned Counsel for the Applicants and the Respondent No.2 jointly submit that the parties have amicably settled the dispute. It is submitted that the parties have filed the consent terms before the Family Court, Thane. It is submitted that no purpose would be served by keeping the prosecution alive, in view of the settlement arrived at between the parties. The learned Counsel for the parties submits that present case is squarely covered by the law laid down by the Hon'ble Supreme Court in the case of *Gian Singh vs. State of Punjab*<sup>1</sup>.

4. The Respondent No.2 has filed the consent affidavit dated 18 June 2022. Respondent No.2 has accepted the filing of consent terms before the Family Court, Thane. Respondent No.2 has stated that she has no objection if the criminal case and FIR in question are quashed in view of the settlement arrived at between the parties.

5. The Hon'ble Supreme Court in the case of *Gian Singh (supra)* has held :

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<sup>1</sup> (2012) 10 SCC 303

*“But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim.”*

6. We have examined the facts of the present case in the light of law laid down by the Hon'ble Supreme Court in *Gian Singh's* case. The main reason for filing of the FIR appears to be matrimonial discord. The allegations are totally of personal nature. In view of the settlement between the parties, Respondent No.2 is not going to support the prosecution case and therefore, possibility of conviction is remote and bleak. Nothing fruitful will therefore come out of the prosecution in question. Apart from it, if the criminal case in question is not quashed, the settlement arrived at between the parties would be disrupted. Considering these facts and circumstances, the application deserves to be allowed. Hence, the Criminal Application is allowed in terms of prayer clause (a), (b) and

(c) which read thus.

*“a. That the Hon’ble Court be pleased to quash and set aside the FIR no.I-531 of 2019 registered by Kalwa Police Station, Thane annexed hereinabove as Exhibit B as preferred by the Respondent No.2 against the Applicants as under Sections 498A r/w 34 IPC;*

*b. That the Hon’ble Court be pleased to quash and set aside the chargesheet that has come to be filed pertaining to the said FIR being FIR no.I-531 of 2019 registered by Kalwa Police Station, Thane;*

*c. That the Hon’ble Court be pleased to quash and set aside proceedings arising from the chargesheet pertaining to the said FIR being the case having number RCC No.785 of 2021 which is pending on the board/file of the 8<sup>th</sup> Jt Civil Judge JD and JMFC Thane;”*

7. Criminal Application is disposed of.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)