

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3048 OF 2022

Mr. Dhaval Narendra Madhani and others ... Petitioners  
V/s.  
The State of Maharashtra and another. ... Respondents.

Ms. Hetal Patel for the Petitioners.  
Ms. M. H. Mhatre, APP for the Respondent- State.  
Mr. Rohit P. Mahadik for Respondent No.2.

SANJAY  
KASHINATH  
NANOSKAR

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SANJAY KASHINATH  
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**CORAM :**            **NITIN JAMDAR AND  
N.R. BORKAR, JJ.**

**DATE :**            **30 August 2022.**

**P.C. :**

1.            Heard learned counsel for the parties.
2.            The Petitioners by this Petition sought the following  
prayer:

“a)    *That this Hon’ble Court be pleased to issue a Writ of  
Certiorari or any other Writ in the nature of  
Certiorari, thereby quashing and striking down FIR  
No.56 of 2022, lodged in Charkop Police Station,  
under the provisions of Sections 498A, 406, 506,  
354 read with 34 of the Indian Penal Code, 1860”*

3.            The learned counsel for the Petitioners and Respondent  
No.2 jointly prayed that the Petition be allowed in the above terms  
in view of the fact that the matter is settled between them and  
Respondent No.2 has given consent for quashing the FIR. The

learned counsel for the parties have relied upon the decision of the Hon'ble Supreme Court in the case of *Gian Singh v. State of Punjab*<sup>1</sup>. The Respondent No.2 alleged that she was subjected to mental and physical harassment and demands of dowry. During the hearing of Application for Anticipatory Bail, the matter was referred to mediation and the Consent Terms arrived at before the Mediator were placed on record in proceedings i.e. Petition No.4237 of 2022 in the Family Court, and the order is passed granting divorce by mutual consent on 27<sup>th</sup> June, 2022. Respondent No.2 has filed an affidavit placing these facts on record. The learned counsel for the parties state that the order passed by the Family Court is not yet available. The learned counsel for the parties state that the Consent Terms arrived at before the learned Mediator were placed before the Family Court as they are. The learned counsel for Respondent No.2 states that there are no compliance left out in respect of the Consent Terms.

4. Having considered these facts and circumstances, the affidavit of Respondent No.2 be filed through the advocate who reiterate the contents therein on instructions, we find that the case is made out to exercise the inherent and extraordinary jurisdiction of this Court as keeping the proceedings pending will bear needless harassment and may not result in conviction and it will disrupt the settlement already arrived at.

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

5. Accordingly, Criminal Writ Petition is allowed in terms of prayer clause (a).

6. It is open to Respondent No.2 to approach the concerned police authorities for return of property, if any, and to place this order before them.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)