

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

CRIMINAL APPLICATION NO.526 OF 2020

- | | | |
|----|-----------------------------|----------------|
| 1. | Mukul Goyal | |
| 2. | Nirmala Goyal | |
| 3. | Vishav Bharti Gupta | ...Applicants |
| | Versus | |
| 1. | State of Maharashtra | |
| 2. | Isha Mukul Goyal @Isha Garg | ...Respondents |

Mr. Sachin Thorat i/b Mr. V. K. Gupta, for the Applicants.

Ms. A. S. Pai, P.P. a/w Mr. J. P. Yagnik, A.P.P for the Respondent No.1–
State.

Mr. Tushar Bansode, for the Respondent No.2.

***CORAM : REVATI MOHITE DERE &
S. M. MODAK, JJ.***

DATE : 20th OCTOBER 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 APP waives

notice on behalf of the respondent No.1 – State. Mr. Bansode waives notice on behalf of the respondent No.2.

3. By this application, the applicants seek quashing of the FIR bearing C.R. No. 494 of 2020 registered with the Powai Police Station, Mumbai, for the alleged offences punishable under Sections 498A, 406, 323, 504, 506 r/w 34 of the Indian Penal Code. Quashing is sought on the premise, that the parties have amicably settled their dispute.

4. Perused the papers. The applicant No.1 is the husband of the respondent No.2 and the applicant Nos.2 and 3, are the mother-in-law and the brother-in-law of the respondent No.2 respectively. It appears that the applicant No.1 and the respondent No.2 got married on 8th November 2019 as per Hindu rites and rituals. Post marriage, the respondent No.2 started residing with the applicants at her matrimonial house. As there was marital discord/differences/harrassment by the applicants, the respondent No.2 lodged the

aforesaid complaint/FIR, as against the applicants, alleging the aforesaid offences.

5. In the interregnum, the parties amicably settled their dispute and entered into the consent terms. Learned Counsel for the applicants has tendered the consent terms entered into between the parties dated 18th September 2022. The said consent terms are taken on record. In the said consent terms, it is stated that the applicant No.1 would pay a sum of Rs.25 lakhs to the respondent No.2 by way of full and final settlement i.e. Rs.12,50,000/- on the date of filing of a petition under Section 13B of the Hindu Marriage Act in the Family Court at Bandra, Mumbai and the balance amount of Rs.12,50,000/- when the decree of divorce by mutual consent is granted by the learned Judge, Family Court at Bandra, Mumbai. Pursuant to the said consent terms, the respondent No.2 has also agreed to give her no objection to the quashing of the complaint/FIR registered at her best. An Affidavit of Consent, is tendered, re-iterating what is stated in the consent terms. The same is also taken on record.

6. Learned Counsel for the respondent No. 2 has filed an affidavit of the respondent No.2 dated 20th October 2022, duly affirmed before the notary. The same is taken on record. In the said affidavit, the respondent No.2 has stated that due to the intervention of a mediator, she has resolved the dispute/differences with the applicants and has entered into consent terms with the applicants and that she has no objection to the quashing of the aforesaid FIR. Respondent No. 2 is present in Court. On questioning, she re-iterates what is stated by her in her affidavit as well as accepts the consent terms. She, however, states that the proceeding be quashed, subject to her receiving the amounts, as mentioned in the consent terms. Learned counsel for the respondent No. 2 has tendered a self attested xerox copy of the aadhar card of the respondent No. 2. The same is taken on record. Learned Counsel for the respondent No.2 has identified the respondent No.2 and the learned APP has also verified the original aadhar card of the respondent No.2.

7. Considering the nature of dispute, the relations between the parties, the consent terms entered between them, the affidavit filed by the respondent No.2 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 application.

8. The application is accordingly allowed and the FIR bearing C.R. No. 494 of 2020 registered with the Powai Police Station, Mumbai, and consequently the proceedings, if any, arising therefrom, are quashed, subject to the applicants complying with the terms and conditions, as stipulated in the consent terms entered into between the parties i.e. of payment of Rs.25 lakhs as stated aforesaid.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

9. Rule is made absolute in the aforesaid terms. Application is disposed of accordingly.

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

S. M. MODAK, J.

REVATI MOHITE DERE, J.