

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

CRIMINAL APPLICATION NO. 826 OF 2022

1. Mayank Jitendra Singh
 2. Sandhya Jitendra Singh
 3. Jitendra Ramujagir Singh
 4. Aditya Kumar Jitendra Singh
- ... Applicants

Versus

1. State of Maharashtra
 2. Rupa Mayank Singh
- ... Respondents

Dr. Samarth Karmarkar i/b. Mr. Pushparaj Singh for the Applicants.

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

Mr. Vrindavan Patil for Respondent No.2.

***CORAM: REVATI MOHITE DERE &
R. N. LADDHA, JJ.***

DATE : 16th NOVEMBER, 2022

JUDGMENT (PER R.N. LADDHA, J)

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

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notice on behalf of Respondent No.1-State. Mr. Vrindavan Patil waives notice on behalf of Respondent No.2.

3. By this application, the applicants seek to quash the FIR No.1252 of 2021 lodged with Dahisar Police Station, Mumbai, for the alleged offences punishable under Sections 498-A, 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 and that Respondent No.2 has no objection to the quashing of the same.

4. Perused the papers. Applicant No.1 is the husband of Respondent No.2 and the Applicant Nos. 2 and 3 are the in-laws and the Applicant No.4 is brother-in-law of the Respondent No.2, respectively. The Applicant No.1 got married to the Respondent No.2 on 22nd November 2019. After marriage, Respondent No.2 started residing at her matrimonial home with the Applicants. Since there was marital discord/differences post marriage, Respondent No.2 lodged the FIR described above on 28th

December 2022 against the Applicants alleging that after a few days of her marriage, her in-laws took away jewelry and cash amount of Rs.45,000/- from her. Allegations of ill treatment and demand of dowry were also made. She has also alleged that she was forced to leave her matrimonial house.

5. In addition to the aforesaid FIR, the Respondent No.2 also filed an Application under the Domestic Violence Act being CC No.04/DV/ of 2022 before the 26th Metropolitan Magistrate Court at Borivali, Mumbai.

6. In the meantime, during the pendency of the Anticipatory Bail Application, arising out of the same C.R., filed by the Applicants before the Sessions Court at Dindoshi, bearing ABA No.93/2022, the parties resolved their dispute amicably and entered into consent terms. The said consent terms were filed in the aforesaid application and annexed as Exhibit 'B'. As per the consent terms, the parties have amicably settled their dispute. The Respondent No.2 has received her Streedhan from the applicants. Both the parties have mutually agreed to file a petition for

divorce before the Family Court, Bandra. The Petitioner No.1 has agreed to pay an amount of Rs.10,00,000/- to the Respondent No.2 by way of permanent alimony. We are informed that the Petitioner No.1 and Respondent No.2 have accordingly preferred a petition seeking divorce by mutual consent. The petition is pending before the Family Court at Bandra. The parties have decided to withdraw all the allegations against one another and separate amicably. The parties assure that they will abide by the terms and conditions set out in the consent terms.

7. Respondent No.2 has filed an affidavit dated 29th June 2022 duly affirmed before the Notary. In the affidavit, she has stated that she has no objection for quashing of the said FIR registered at her behest and that she had received the amount and Streedhan, as per the terms and conditions, set out in the consent terms. On questioning, she reiterates what is stated by her in her affidavit and further states that she has no objection to the quashing of the aforesaid FIR bearing C.R. No.1252/2021 registered with Dashisar Police Station, Mumbai. Respondent No.2 has been identified by her counsel. Learned Counsel for the Respondent

No.2 has tendered a self attested photocopy of the Aadhar card of Respondent No.2. The same is taken on record and the original Aadhar card is verified by the learned APP. We are informed that the chargesheet has not yet been filed.

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

9. The petition is accordingly allowed, and the FIR No.1252 of 2021 registered with Dahisar Police Station, Mumbai is quashed and set aside.

10. Rule is made absolute in the terms above. The petition is

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

disposed of accordingly.

R. N. LADDHA, J.

REVATI MOHITE DERE, J.

L.S. Panjwani, P.S.