

Shiv

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

CRIMINAL WRIT PETITION NO.3653 OF 2022

1. Hardeep Bakshising Sandhu	...
2. Maninder Kaur Sandhu	...
3. Bakshish Singh Sandhu	... Petitioners.

Versus

1. The State of Maharashtra	...
2. Neelam Hardeep Sandhu	... Respondents

Mr. Rohan Hogle i/b Mr. Sharon Bhagat for the Petitioners.

Mr. K. V. Saste APP for the Respondent No.1-State.

Ms. Vibhuti D. Nishar for the Respondent No.2.

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

DATE : 10TH 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 A.P.P waives notice on behalf of the respondent No.1-State. Ms.

Vibhuti Nishar, learned counsel waives notice on behalf of the respondent No.2.

3 By this petition, the petitioners seeks quashing of the FIR bearing C.R. No.I-65 of 2017, registered with the Central Police Station, Thane, for the alleged offences punishable under Sections 498A, 406, 504, 506 r/w 34 of the Indian Penal Code.

4 Quashing is sought on the premise, that the parties have amicably settled their dispute.

5. Perused the papers. The petitioner no.1 is the husband of the respondent no.2, and, the petitioner nos.2 and 3, are the in-laws of the respondent no.2. It appears that the petitioner no.1 and the respondent no.2, got married on 27th November 2015, as per Hindu vedic rites, at Chakala Gurudwara, Andheri, Mumbai. After marriage, the respondent no.2 started residing at her matrimonial house. As there was marital discord/differences between them, the respondent no.2 lodged an FIR, bearing C.R. No. I-65 of 2017, registered with the Central Police Station, Thane. After investigation, charge-sheet

was filed, and the case is presently pending before the Judicial Magistrate, First Class, Ulhasnagar, being R.C.C. No.1196 of 2017.

6. In the interregnum, during the pendency of the said proceedings, the parties amicably settled their dispute and entered into consent terms. Accordingly, consent terms were filed before the learned Judge, Family Court, Bandra, Mumbai, in M.J. Petition No.A-553 of 2018. In the said consent terms, it is stated that since, they have settled the dispute, the said M.J. Petition No.A-553/2018 be converted into 13B petition i.e. Petition under section 13B of the Hindu Marriage Act, seeking divorce by mutual consent. It appears that one of the terms of settlement, was that the respondent no.2, give her no objection, for quashing of the said case. It is further stated in the consent terms, that the respondent no.2 has received all her articles/stridhan from the petitioners.

7. Learned counsel for the respondent no.2, states that the respondent no.2 has filed her affidavit, in the registry.

Having perused the petition, we do not find the affidavit filed by the respondent no.2 in the papers. Hence, learned counsel for the respondent no.2, has tendered a xerox copy of the said affidavit filed by the respondent no.2, in the registry. From the said affidavit, it appears that the parties have amicably settled their dispute and that the respondent no.2, has no objection, if the proceedings are quashed against the petitioners. The respondent no.2 is present in person. When questioned, she reiterates what is stated by her in her affidavit. Learned counsel for the respondent no.2, has tendered a xerox copy of the Aadhar card of the respondent no.2, duly signed by her. The same is taken on record. She is identified by her counsel and the learned APP has verified the original Aadhar card. Registry to ensure that the respondent no.2's original affidavit is placed on record in the aforesaid proceeding.

8. Considering the nature of dispute, the relations between the parties, the amicable settlement between them, the affidavit of the respondent no.2, 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.I-65 of 2017 registered with the Central Police Station, Thane, and consequently, the proceedings arising therefrom, pending before the Judicial Magistrate, First Class, Ulhasnagar, being R.C.C. No.1196 of 2017, are quashed and set-aside.

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

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

S. M. MODAK, J.

REVATI MOHITE DERE, J.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466