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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3483 OF 2022

1. Mihir Dhirendra Jha
 2. Rinky Vijay Jha
 3. Vijay Mahendra Jha
- ...Petitioners

Versus

1. The State of Maharashtra
 2. The Senior Inspector of MIDC Police Station
 3. Sneha @ Snehlata Mihir Jha
- ...Respondents

Mr. Sanjay Kumar Vishwakarma for the Petitioners.

Mrs. A.S.Pai, P.P., a/w Ms. M.H.Mhatre, A.P.P for the Respondent Nos.1 & 2-State.

Mr. Rajnesh Mishra i/b Mr. Sandeep Dube for the Respondent No.3.

CORAM : REVATI MOHITE DERE &
R. N. LADDHA, JJ.
DATE : 9th NOVEMBER, 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 Nos.1 & 2–State. Mr. Rajnesh Mishra waives notice on behalf of the respondent No.3.

3. By this petition, the petitioners seek quashing of the FIR bearing C.R. No. 303 of 2017 registered with the MIDC Police Station, Andheri, for the alleged offences punishable under Sections 498A, 317, 377, 406, 420 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 respondent No.3 is the wife of the petitioner No.1 and the petitioner Nos.2 and 3 are the sister-in-law and brother-in-law respectively, of the respondent No.3. The petitioner No.1 and the respondent No.3's marriage was solemnized on 11th June, 2015, in Mumbai. After marriage, the respondent No.3 started residing with the petitioners. Admittedly, the couple have no issues. It appears that post marriage, as there was alleged ill-treatment / harassment by the petitioners, the respondent No.3 lodged the aforesaid FIR as against the petitioners alleging the aforesaid

offences. In addition to the aforesaid case, the respondent No.3 also filed D.V. proceeding in the Court of the 22nd Additional Metropolitan Magistrate, Andheri, Mumbai. It appears that in the present case, chargesheet has been filed as against the petitioners and the case is presently pending before the learned Additional Metropolitan Magistrate, 22nd Court, Andheri, Mumbai.

5. In the interregnum, during the pendency of the aforesaid proceeding, the parties amicably settled their dispute before the Mediator. It is the matter of record that the learned Additional Metropolitan Magistrate, 22nd Court, Andheri, Mumbai had referred the parties for mediation and that pursuant to the mediation, the parties have entered into Consent Terms on 26th April, 2022. The said Consent Terms entered into between the parties are at page 96 of the petition. The said Consent Terms have been filed before the learned Metropolitan Magistrate, 22nd Court, Esplanade, Mumbai in C.C.No. 271/DV/2017. As per the said Consent Terms, the petitioner No.1 has to pay the respondent No.3 a sum of Rs.5,00,000/- by way of full and final settlement. The respondent No.3 has already received a sum of

Rs.2,50,000/- by way of Demand Draft and the balance amount of Rs.2,50,000/- has been deposited by the petitioner No.1 in the Court of Metropolitan Magistrate, 22nd Court, Esplanade, Mumbai. Learned Counsel for the petitioners states that the petitioner No.1 has no objection to the respondent No.3 withdrawing the said amount of Rs.2,50,000/- deposited by him before the learned Metropolitan Magistrate, 22nd Court, Esplanade, Mumbai.

6. The respondent No.3 is present in person. On questioning, she re-iterates what is stated by her in her affidavit that she has no objection for quashing of the said complaint / FIR lodged by her and consequently, the proceeding arising therefrom. The respondent No.3 has been identified by her Counsel. Learned Counsel for the respondent No. 3 has tendered a self attested xerox copy of the aadhar card of the respondent No. 3. The same is taken on record and the original is verified by the learned APP.

7. Considering the nature of dispute, the relations between the parties, the amicable settlement between the parties after

mediation, the Consent Terms entered into between the parties, the affidavit of the respondent No.3 and the judicial pronouncements of the Apex Court in the case of *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.

8. The petition is accordingly allowed and the FIR bearing C.R. No. 303 of 2017 registered with the MIDC Police Station, Andheri, Mumbai, and consequently, the proceeding arising from the said C.R. i.e. C.C.No. 57/PW/2018, pending before the learned Additional Metropolitan Magistrate, 22nd Court, Andheri, Mumbai, are quashed and set-aside.

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

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

R. N. LADDHA, J.

REVATI MOHITE DERE, J.

¹ (2012) 10 SCC 303

² (2014) 6 SCC 466