

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3771 OF 2022

Vivek T. Vijaykumar

...Petitioner

Versus

1. The State of Maharashtra
2. Grishma Dhimant Shah

...Respondents

Mr. Brijesh Shukla a/w Ms. Hooralain Hussein for the Petitioner.

Mrs. A.S.Pai, P.P., a/w Mr. J.P.Yagnik, A.P.P for the Respondent-State.

Mr. Bhomesh Bellam for the Respondent No.2.

CORAM : REVATI MOHITE DERE &
S. M. MODAK, JJ.
DATE : 18th 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. Mr. Bhomesh Bellam waives notice on behalf of the respondent No.2.

3. By this petition, the petitioner seeks quashing of the FIR bearing C.R. No. 132 of 2021 registered with the Borivali Police Station, Mumbai, for the alleged offences punishable under Sections 323, 504, 506, 498-A of the Indian Penal Code. Quashing is sought on the premise, that the parties have amicably settled their dispute.

4. Perused the papers. The petitioner is the husband of the respondent No.2. It appears that the petitioner got married with the respondent No.2 on 15th February, 2018. After marriage, the respondent No.2 started residing at her matrimonial house. As there was marital discord/differences, the respondent No.2 lodged the aforesaid FIR as against the petitioner alleging the aforesaid offences. We are informed that till date, chargesheet has not been filed.

5. In the interregnum, the parties amicably settled their

dispute and filed Consent Terms before the learned Judge, Family Court at Bandra. Pursuant to the Consent Terms, the petitioner has deposited a sum of Rs.6,00,000/- in the Registry of the Family Court, by way of full and final settlement, to be handed over to the respondent No.2, at the time, when the decree of divorce by mutual consent is passed. The said Consent Terms are at page 20 of the petition.

6. Learned Counsel for the respondent No.2 has filed an affidavit dated 18th October, 2021, duly affirmed before the Assistant Registrar, High Court, Mumbai. To the said affidavit is annexed a xerox copy of the aadhar card of the respondent No.2 duly attested by her. The said affidavit is taken on record alongwith a xerox copy of the aadhar card. In the said affidavit, the respondent No.2 has stated that the dispute has been amicably settled between her and the petitioner and that the parties have filed Consent Terms before the Family Court, Bandra. In the said affidavit, the respondent No.2 had given her no objection for quashing of the aforesaid proceedings

initiated by her.

6. The respondent No. 2 is present in Court. She is identified by her Counsel. On questioning, she re-iterates what is stated by her in her affidavit, that she has no objection for quashing of the FIR, bearing C.R. No. 132 of 2021 registered with the Borivali Police Station, Mumbai.

7. The respondent No.2 states that she has received her articles and stridhan.

8. Learned APP has also verified the original aadhar card.

9. Considering the nature of dispute, the relations between the parties, the amicable settlement between them, the affidavit of the respondent No.2 that she has no objection for quashing of the proceedings 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.

10. The petition is accordingly allowed and the FIR bearing C.R. No. 132 of 2021 registered with the Borivali Police Station, Mumbai and consequently the proceeding arising therefrom, are quashed and set-aside, subject to the parties abiding by the terms stipulated in the Consent Terms.

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

12. 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