

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3102 OF 2022**

Kunal P. Thakkar and ors. ... Petitioners
V/s.
The State of Maharashtra and anr. ... Respondents
with

WRIT PETITION NO. 3516 OF 2021

Narendra P. Thakkar and anr. ... Petitioners
V/s.
The State of Maharashtra and ors. ... Respondents

Mr. Anil M. Dubey a/w. Mr. Sunil R. Dubey for the Petitioners in both petitions.
Ms M.H. Mhatre, APP for the Respondent / State.
Mr. V.U. Pandey i/b Mr. Namboodiri Prasannam for Respondent No.2 in both petitions.

**CORAM : NITIN JAMDAR &
N.R. BORKAR, JJ.**

DATE : 29 AUGUST 2022.

P.C.

. Writ Petition No.3516 of 2021 is not on board. Upon mentioning, taken on board.

2. Both these petitions under Article 226 of the Constitution of India read with Section 482 of Code of Criminal Procedure, 1973

are filed to quash one and the same First Information Report No.483 of 2021 (hereinafter referred to as “FIR”, for short) dated 1 August 2021 registered at Bhandup Police Station, Mumbai for the offences punishable under Sections 498-A, 406, 323, 504 and 506 read with 34 of the Indian Penal Code.

3. The aforesaid crime came to be registered at the instance of Bijal Kunal Thakkar, who is Respondent No. 2 in both these Petitions. Respondent No. 2 has alleged that she was subjected to mental and physical cruelty at the hands of her husband and in-laws. The Petitioner No.1 in Writ Petition No.3102 of 2022 is the husband of Respondent No.2 and Petitioner Nos.2 and 3 therein are her father-in-law and mother-in-law respectively. Petitioner Nos.1 and 2 in Writ Petition No. 3516 of 2021 are the relatives of the husband of Respondent No.2.

4. The learned Counsel for the Petitioners and the Respondent No.2 jointly submit that the parties have amicably settled the dispute. It is submitted that no purpose would be served by keeping the prosecution alive, in view of the settlement arrived at between the parties. The learned Counsel for the parties submits that present case is squarely covered by the law laid down by the Hon’ble Supreme Court in the case of *Gian Singh vs. State of Punjab*¹.

1 (2012) 10 SCC 303

5. Respondent No.2 has filed consent affidavits in both petitions. Respondent No.2 has stated that pursuant to amicable settlement, she has received an amount of Rs.5100000/- towards permanent alimony. Respondent No.2 has stated that she has no objection if the FIR in question is quashed in view of the settlement arrived at between the parties.

6. The Hon'ble Supreme Court in the case of *Gian Singh (supra)* has held :

“But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim.”

7. We have examined the facts of the present case in the light of law laid down by the Hon'ble Supreme Court in *Gian Singh's* case. The main reason for filing of the FIR appears to be matrimonial

discord. The parties have now settled their dispute. The allegations are totally of personal in nature. In view of the settlement between the parties, Respondent No.2 is not going to support the prosecution case and therefore, possibility of conviction is remote and bleak. Nothing fruitful will therefore come out of the prosecution in question. Apart from it, if the FIR is not quashed, the settlement arrived at between the parties would be disrupted. Considering these facts and circumstances, both writ petitions deserve to be allowed and the same are allowed. Consequently, the FIR No.483 of 2021 dated 1 August 2021 registered at Bhandup Police Station, Mumbai against the Petitioners for the offences punishable under Sections 498-A, 406, 323, 504 and 506 read with 34 of the Indian Penal Code is quashed and set aside.

8. Both Writ Petitions are disposed of.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)