

Shiv

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

CRIMINAL WRIT PETITION NO.6045 OF 2021

Santosh Devnandan Ram & Others ... Petitioners
Versus
State of Maharashtra & Anr. ...Respondents

Mr. Ankur Pandey i/b Vinod Mishra for the Petitioners.

Ms. S. D. Shinde APP for the Respondent No.1-State.

Mr. Q. S. Kapasi for the Respondent No.2.

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

DATE : 27TH SEPTEMBER 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 service on behalf of the respondent no.1-State. Mr. Kapasi waives service on behalf of the respondent no.2.

3 By this petition, the petitioners seeks quashing of the

FIR, bearing C.R. No. 445 of 2021 registered with the Kandivali Police Station, Mumbai, for the alleged offences punishable under Sections 498(A), 323, 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, the petitioner nos.2, 4 and 6, the sisters-in-law, and, the petitioner nos.3 and 5, the brothers-in-law, of the respondent no.2 respectively.

6 The petitioner no.1 got married to the respondent no.2, on 1st December 2017 at Uttar Pradesh as per Hindu customs and rites. After marriage, the respondent no.2 started residing at her matrimonial home with her husband i.e. the petitioner no.1 and his family members. Post marriage, there were disputes between the parties, pursuant to which the

respondent no.2 filed the complaint/FIR which was registered vide C.R. No. 445 of 2021 with Kandivali Police Station, Mumbai, for the aforesaid offences.

7 Charge-sheet has not been filed in the said case till date. After registration of the aforesaid FIR, the parties decided to amicably settle their dispute and as such entered into the consent terms. The said consent terms are filed in the anticipatory bail application before the Sessions Court at Exhibit-B (page 24) of the petition. It appears from the said consent terms that the respondent no.2 has undertaken to withdraw the cases instituted by her as well as the allegations. It also appears that the parties have amicably settled their dispute and they want to reside together and restore their marital life. The respondent no.2 has stated that she has no objection for quashing of the proceedings instituted by her as well as the Domestic Violence complaint filed by her.

8 The learned Counsel for the respondent no.2 has tendered an affidavit of the respondent no.2, dated 22nd

September 2022, duly affirmed before the notary. The said affidavit along with xerox copy of the Aadhar card, duly attested by her, is taken on record. From the said affidavit, it appears that the respondent no.2 has no objection to quashing of the proceedings in view of amicable settlement between the parties. She has also stated in paragraph 7 that she is residing with the petitioners, since June 2021 and there is no disputes between them. On questioning, she reiterates what is stated in the affidavit. The respondent no.2 has been identified by her Counsel. Learned APP has verified the original Aadhar card.

9 Considering the nature of dispute, relations between the parties, the amicable settlement between them and the fact, i.e. the respondent no.2 and the petitioner no.1 are cohabiting together and having regard to 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.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

10 The petition is accordingly allowed and the FIR bearing C.R. No. 445 of 2021, registered with the Kandivali Police Station, Mumbai, and proceeding, if any, arising therefrom, are quashed and set-aside.

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.