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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2572 OF 2022**

Taha S. Chowdhry and ors. ... Petitioners
V/s.
State of Maharashtra and anr. ... Respondents

Mr. Khushnood Akhtar i/b Mr. Saeed Akhtar for the Petitioners.
Ms M.H. Mhatre, APP for Respondent No.1/State.
Ms Yasmin A. Shaikh for Respondent No.2.

**CORAM : NITIN JAMDAR &
N.R. BORKAR, JJ.
DATE : 3 AUGUST 2022.**

P.C.

. The present petition under Article 226 of the Constitution of India read with Section 482 of Code of Criminal Procedure, 1973 is filed to quash the First Information Report No.277 of 2022 (hereinafter referred to as “FIR”, for short) dated 25 May 2022 registered at Nagpada Police Station, Mumbai against the Petitioners for the offences punishable under Sections 498(A), 406, 323, 504, 506 read with 34 of Indian Penal Code, 1860.

2. The aforesaid crime came to be registered at the instance of Respondent No.2, who has *inter alia* alleged that she was subjected to mental and physical cruelty at the hands of her husband and in-laws. The Petitioner No.1 is the husband of Respondent No.2. The Petitioner Nos.2 to 4 are her in-laws.

3. The learned Counsel for the Petitioners and the learned Counsel for Respondent No.2 jointly submit that the parties have amicably settled the dispute and pursuant to the said settlement Petitioner No.1 and Respondent No.2 have taken divorce in accordance with Muslim Law. 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 submit that the 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.

4. The Respondent No.2 has filed consent affidavit dated 19 July 2022. The Respondent No.2 stated that they entered into Deed of Dissolution of Marriage by Mutual Consent dated 15 July 2022 to dissolve their marriage as per the Muslim Shariat and Tenets of Mohammedan Law. 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.

5. Today, the learned Counsel for the Petitioners has handed over the demand draft of Rs.25,00,000/- to the learned Counsel for the Respondent No.2.

1 (2012) 10 SCC 303

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 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 criminal case in question is not quashed, the settlement arrived at between the parties would be disrupted. Considering these facts and

circumstances, the petition deserves to be allowed. Hence, the Petition is allowed in terms of prayer clause (b), which reads thus.

“a) That the FIR bearing no. 277 of 2022 dated 25th May 2022 u/s 498 A, 406, 323, 504, 506, 34 of I.P.C. and registered at Nagpada police station be quashed and set aside in view of the deed of divorce by mutual consent dated 15th July 2022.”

8. Writ Petition is disposed of.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)