

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2809 OF 2022

Rajiv Jaysukhlal Shah & Ors. ... Petitioners

Versus

State of Maharashtra & Anr. ... Respondents

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Ms. Trupti Chavan i/b. Mr. Pradip S. Chavan for the Petitioners.

Ms. M.H.Mhatre, APP for the State.

Mr. Rohit A. Yadav for Respondent No.2.

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CORAM : NITIN JAMDAR AND
N.R. BORKAR, JJ.

DATED : 29 AUGUST 2022

P.C. :-

We have heard the learned Counsel for the parties. Taken up for disposal.

2. 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 FIR bearing No. 116 of 2007 dated 21 May 2007 registered with Juhu Police Station, Mumbai against the Petitioners for the offences punishable under Sections 498 (A) read with 34 of the Indian Penal Code.

3. Respondent No. 2 filed the FIR alleging that she was subjected to mental and physical cruelty and demands of dowry by the Petitioners. The Petitioner No.1 is the husband of Respondent No.2, Petitioner No.2 is the mother-in-law, Petitioner No.3 is the brother-in-law and Petitioner Nos. 4 and 5 are the sisters-in-law. The reason for praying for quashing of the FIR is consent given by Respondent No.2.

4. The learned Counsel for the Petitioners and learned Counsel for Respondent No.2 jointly pray that the FIR be quashed by consent of Respondent No.2. The learned Counsel for the parties rely upon the decision of the Supreme Court in the case of *Gian Singh vs. State of Punjab*¹. The learned Counsel for the parties point out that in the Family Court Appeal Nos. 255 of 2013 and 22 of 2014 arising from the judgment and order passed by the Family Court, the Division Bench of this Court has granted decree of divorce by mutual consent on consent terms, which was placed before the Division Bench. One of the stipulations in the consent terms is that Respondent No.2 will give consent for quashing of the present FIR and the proceedings. Respondent No.2 through the Advocate has placed on record the affidavit of Respondent No.2 giving consent for quashing of the FIR referring to the order passed by the Division Bench in the first appeals.

¹ (2012) 10 SCC 303

5. Having considered these facts and circumstances and the order passed by the Division Bench and that dispute that led to filing of the FIR is a matrimonial dispute, which now stands resolved, no purpose will be achieved by keeping this prosecution pending, which would be a needless harassment to all the parties and it is not likely to result in conviction.

6. Accordingly, the petition is allowed in terms of prayer clause (a).

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)