

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

CRIMINAL WRIT PETITION NO.3556 OF 2022

1. Pramod Balasaheb Pawar
2. Sulochna Balu Pawar
3. Vanita Ravindra Belavekar ...Petitioners

Versus

1. The State of Maharashtra
2. Shridevi Pramod Pawar ...Respondents

Mr. Apoorv V. Singh for the Petitioners

Mr. J. P. Yagnik, A.P.P for the Respondent No.1-State

Mr. Vaibhav Parab for the Respondent No. 2

PSI Mr. Vilas M. Shinde from Nerul Police Station, Navi Mumbai,
is present

CORAM : REVATI MOHITE DERE &
S. M. MODAK, JJ.
TUESDAY, 4th 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. Parab waives notice on behalf of the respondent No.2.

3 By this petition, the petitioners seek quashing and setting aside of the FIR bearing C.R. No. 47/2021 registered with the Nerul Police Station, Navi Mumbai, as against the petitioners for the alleged offence punishable under Sections 498A, 323, 504, 34 of the Indian Penal Code. Quashing is sought on the premise that the petitioners and the respondent No. 2 have amicably settled their dispute.

4 Perused the papers. The petitioner No. 1 is the husband of respondent No. 2; the petitioner No. 2 is the mother-in-law and petitioner No. 3 is the sister-in-law of the respondent No. 2 respectively. It appears that the petitioner No. 1 and respondent No. 2 got married on 1st July 2018 as per Hindu rites and rituals. Post the marriage, the respondent No. 2 started residing at her matrimonial home. After a few months, there was matrimonial discord/differences

between the parties, pursuant to which, the respondent No. 2 lodged

the aforesaid compliant, which was registered vide C.R. No. 47/2021 with the Nerul Police Station, Navi Mumbai, alleging the aforesaid offences.

5 After investigation, charge-sheet was filed in the said case and the case is presently pending before the learned Judicial Magistrate First Class, 6th Court, Vashi, Navi Mumbai, being RCC No. 715/2021.

6 During the pendency of the aforesaid petition, in the interregnum, the parties amicably settled their dispute and filed a petition for divorce by mutual consent under Section 13B of the Hindu Marriage Act, before the learned Judge, Family Court, Bandra. The said petition is at page 145 of the petition. In the said petition, the parties have set out the terms and conditions to be complied by both i.e. the petitioner No. 1 and the respondent No. 2. It is agreed that the

petitioner No. 1 would pay the respondent No. 2 a sum of Rs. 10,00,000/- by way of full and final settlement towards permanent alimony. Admittedly, the parties have no issues.

7 Learned counsel for the petitioners submits that the petitioner No. 1 has deposited Rs. 5,00,000/- in the Registry of the Family Court and has today, brought a demand draft drawn in the name of the Registrar, Family Court. He submits, on instructions of the petitioner No. 1, who is present in Court that the said demand draft of Rs. 5,00,000/- will be deposited in the Registry of the Family Court, during the course of this week. Statement accepted.

8 Learned counsel for the respondent No. 2 has tendered an affidavit of the respondent No. 2 dated 4th October 2022, duly notarized before the Notary along with the self attested xerox copy of the Aadhar Card of the respondent No. 2. The same is taken on record.

9 From a perusal of the affidavit of the respondent No. 2, it appears that she has agreed to accept Rs. 10,00,000/- by way of final settlement. She has stated that she has already received her *stree-dhan* and all other articles. Learned counsel for the respondent No. 2 submits that the respondent No. 2 has no objection, provided, the petitioner No. 1 complies with the terms of settlement i.e. deposit of Rs. 10,00,000/- in the Family Court, Bandra. It is agreed between the parties that the said amount will be withdrawn by respondent No. 2 at the time of decree of divorce.

10 Respondent No. 2 is present in Court. She reiterates what is stated hereinabove. She is identified by her counsel and learned A.P.P has verified her original Aadhar Card.

11 Considering the nature of dispute, the relation between the parties and that the parties have filed a petition seeking divorce by mutual consent before the learned Family Court, Bandra, and the affidavit of the respondent No. 2, giving her no objection to the

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.

12 The petition is accordingly allowed. The FIR bearing C.R. No. 47/2021 registered with the Nerul Police Station, Navi Mumbai, as against the petitioner, is quashed and set-aside, and consequently, the proceeding pending before the learned Judicial Magistrate First Class, 6th Court, Vashi, Navi Mumbai, being RCC No. 715/2021 is also quashed and set-aside.

13 Needless to state that the quashing as stated aforesaid, is subject to the petitioner depositing the entire amount of Rs.10,00,000/- in the Family Court, within two weeks, which the respondent No. 2 will be permitted to withdraw, at the time of decree of divorce.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

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

15 All concerned to act on the authenticated copy of this order.

S. M. MODAK, J.

REVATI MOHITE DERE, J.