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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.6206 OF 2021

Maulik Ashok Mehta & Anr.] .. Petitioners

vs.

The State of Maharashtra & Anr.] .. Respondents

Ms.Swapna P. Kode a/w Ms. Usha Tanna for Petitioners.

Ms.G.P. Mulekar, APP for State.

Petitioners and Respondent No.2 present through V.C.

**CORAM : S.S.SHINDE &
N.R.BORKAR, J.**

DATE : 4TH FEBRUARY 2022

P.C.

1] This petition is filed for quashing of First Information Report No.103/2019 registered at V.P. Road Police Station, Mumbai, for the offences punishable under Section 498A, 406 read with 34 of the Indian Penal Code and PW Case No.554 of 2019 pending on the file of Metropolitan Magistrate, 4th Court, Girgaon, Mumbai, arising out of said First Information Report.

2] The petitioner No.1 and respondent No.2 are husband and wife. The petitioner No.2 is the mother of the petitioner No.1. The respondent No.2 in the above-mentioned First Information Report lodged by her, has alleged cruelty at the hands of the petitioners and misappropriation of Stridhan by them.

3] The parties have stated that, they have amicably settled the matter. It appears that respondent No.2 has already filed petition for divorce. Petitioner No.1 and respondent No.2 have stated that they have decided to take divorce by mutual consent and accordingly decided to convert the petition filed by the respondent No.2 for divorce into petition for divorce by mutual consent.

4] Respondent No.2 is present before us through video conferencing. She is identified by her Advocate. Respondent No.2 has filed Consent Affidavit dated 08.09.2021, wherein, she has recorded her no objection for quashing the First Information Report in question. The respondent No.2 has stated that as per consent terms petitioners have deposited the amount of Rs.13 Lakhs before the Family Court.

5] We have perused the First Information Report . The allegations are totally personal in nature. In view of the settlement between the parties, nothing fruitful will come out of the prosecution in question. The present case is squarely covered by the decision of the Hon'ble Supreme Court in the case of ***Gian Singh vs. State of Punjab reported in 2012 (10) SCC 303***. Hence following order :

- i] Writ Petition is allowed in terms of prayer clause (a) and (b).
- ii] The Family Court shall endeavour to dispose of the petition filed by the parties as early as possible.
- iii] The parties shall co-operate in disposing of the Petition before the Family Court.

[N.R.BORKAR, J]

[S.S.SHINDE,J]