

3. By this application, the applicant seeks quashing of the FIR bearing C.R. No. 240 of 2018, registered with the Vashi Police Station, Navi Mumbai, for the alleged offences punishable under Sections 377, 380, 497, 323, 504, 506 r/w 34 of the Indian Penal Code ('IPC').

4. Perused the papers. The applicant is the wife of the respondent No.2 - Badal Singh, having married in February 2006. From the said marriage, the applicant and the respondent No.2 have two children. It appears that there were certain matrimonial issues between the parties and the present case is one such case initiated by the respondent No.2, as against the applicant-wife and her paramour. The respondent No.2 has filed a complaint as against the applicant-wife, bearing C.R. No. 240 of 2018, registered with the Vashi Police Station, Navi Mumbai, alleging offences punishable under Sections 377, 380, 497, 323, 504, 506 r/w 34 of the IPC. After investigation charge-sheet was filed in the said case and presently the case is pending before the learned Civil Judge Junior Division and Judicial

Magistrate First Class, Navi Mumbai, bearing Case No.R.C.C/1227/2018 (subsequently transferred to CBD Belapur). It appears that in July 2022, the applicant and the respondent No.2 amicably settled their dispute and entered into the consent terms, which were taken on record by this Court in Writ Petition No.1596 of 2020 alongwith Writ Petition No.5225 of 2019. As per the consent terms and as agreed by the parties, both the parties consented to withdraw the proceedings filed by each one of them, as against each other. The parties had also undertaken to co-operate in the quashing of the FIR lodged as against each other. Pursuant to the consent terms entered into between the parties, which is at Exhibit – 'C', page 209 of the application, that the aforesaid application seeking quashing of the FIR bearing C.R. No. 240 of 2018, registered with the Vashi Police Station, Navi Mumbai, alleging the aforesaid offences has been filed.

5. Learned counsel for the respondent No. 2 has tendered an affidavit of the respondent No.2 dated 14th September 2022, duly affirmed before the Notary. The said affidavit is taken on record. In

the said affidavit, in paragraphs 4 and 5, the respondent No.2 has given his no objection for quashing of C.R. No. 240 of 2018, registered with the Vashi Police Station, Navi Mumbai. Respondent No. 2 is present in Court. On being questioned, he re-iterates what is stated by him in his affidavit. Learned Counsel for the respondent No. 2 has tendered a self attested xerox copy of the aadhar card of the respondent No. 2. The same is taken on record. Learned Counsel for the respondent No.2 has identified the respondent No.2. As far as Sections 377 and 497 of the IPC are concerned, the same are not applicable.

6. Learned APP has also verified the original aadhar card of the respondent No.2.

7. Considering the relations between the parties i.e. of husband and wife, the amicable settlement between the parties i.e. the consent terms entered into between the parties, which is at Exhibit – 'C', page 209 of the application 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 application.

8. The Application is accordingly allowed and the FIR bearing C.R. No. 240 of 2018, registered with the Vashi Police Station, Navi Mumbai as well as the proceeding arising therefrom, are quashed and set-aside.

9. Rule is made absolute in the aforesaid terms. Application is disposed of accordingly.

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466