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

CRIMINAL WRIT PETITION NO.3289 OF 2022

Rajesh Birendra Singh & Others ... Petitioners.
Versus
State of Maharashtra & Anr. ... Respondents

Mr. Akshay Lengare i/b Saroj Shinde for Petitioners.

Ms. P. P. Shinde A.P.P for the Respondent No.1-State.

Ms. Tripti Shetty for the Respondent No.2.

**CORAM : REVATI MOHITE DERE &
S.M. MODAK, JJ.**

DATE : 27TH SEPTEMBER 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 service on behalf of the respondent No.1-State. Ms. Tripti Shetty waives service on behalf of the respondent No.2.

3 By this petition, the petitioners seek quashing of the

FIR, bearing C.R. No. 101 of 2019 registered with the Samata Nagar Police Station, Mumbai, for the alleged offences punishable under Sections 498A, 406 r/w 34 of the Indian Penal Code.

4 Quashing is sought on the premise that the parties have amicably settled their dispute.

5. Perused the papers. The petitioner no.1 is the husband and the petitioner no.2 is father-in-law of the respondent no.2 respectively. It appears that the petitioner no.1 and the respondent no.2 got married on 22nd April 2016 at Thane, as per Hindu Vedic rites, customs and rituals. Since there was a matrimonial discord/difference between the parties, the respondent no.2 lodged the FIR which was registered vide C. R. No. 101 of 2019 with the Samata Nagar Police Station, Mumbai. After investigation, the charge-sheet was filed as against the petitioners. Presently, the case is pending before the Judicial Magistrate, First Class at Borivali, Mumbai.

6. It appears that during the pendency of the said proceeding, the parties amicably settled their dispute and entered into the consent terms on 26th July 2022. The said consent terms are at 'Exhibit-B', at page 25 of the petition. From the said consent terms, it appears that both i.e. the petitioner no.1 and the respondent no.2 have agreed to seek divorce by mutual consent. It is also agreed that the petitioner no.1 would pay a sum of Rs.15,00,000/- to the respondent no.2, by one time settlement. We are informed that Rs.7,50,000/- have already been paid by the petitioner no.1 to the respondent no.2 and the balance Rs.7,50,000/- would be paid at the time when the decree of divorce would be passed. Both the parties have agreed to withdraw the allegations against each other, and the respondent no.2 has agreed to give her no objection for quashing of the aforesaid case. It also appears that the Domestic Violence proceedings filed by the respondent no.2, is to be withdrawn by the respondent no.2, as per the consent terms. Several other terms and conditions have been stipulated in the consent terms which both parties have agreed to adhere

to.

7. Today, learned Counsel for the respondent no.2 has tendered an affidavit of the respondent no.2 dated 3rd August 2022, duly affirmed before the notary. In the said affidavit, the respondent no.2 has agreed to comply with the terms and conditions stipulated therein. She has also given her no objection to quashing of the aforesaid FIR and the proceedings arising therefrom. The respondent no.2 is present in person. When questioned, she re-iterates what is stated by her in her affidavit. She has been identified by her counsel. Learned Counsel for the respondent no.2 has tendered a xerox copy of Aadhar card, duly attested by her. The same is taken on record. Learned APP has verified the original Aadhar card.

8 Considering the nature of dispute, relations between the parties, the amicable settlement between them and having regard to the judicial pronouncements of the Apex Court in the case of *Gian Singh vs. State of Punjab & Anr.*¹ and *Narinder*

1 (2012) 10 SCC 303

*Singh & Ors. vs. State of Punjab & Anr.*², there is no impediment in allowing the petition.

9. The petition is accordingly allowed and the FIR bearing C.R. No. 101 of 2019 registered with the Samata Nagar Police Station, Mumbai, and consequently, the proceeding arising therefrom, are quashed and set-aside.

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

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

S. M. MODAK, J.

REVATI MOHITE DERE, J.

² (2014) 6 SCC 466