

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

CRIMINAL WRIT PETITION NO. 3879 OF 2021

1. Alok Anil Singh
2. Indu Anil Singh
3. Anil Ramashankar Singh
4. Anmol Anil Singh

...Petitioners

Versus

1. The State of Maharashtra
2. Preeti Alok Singh

...Respondents

Mr. Rakesh Agrawal for the Petitioners

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

Mr. Chetan Shah i/b Mr. Parmeshwar Bhise for the Respondent No. 2

***CORAM : REVATI MOHITE DERE &
MADHAV J. JAMDAR, JJ.
WEDNESDAY, 7th SEPTEMBER 2022***

P.C. :

1 Mentioned out of turn.

2 Heard learned counsel for the parties.

3 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. Mr. Shah waives service on behalf of the respondent No.2.

4 The petitioner No. 1 is the husband of respondent No. 2; petitioner Nos. 2 and 3 are the in-laws and petitioner No. 4 is the brother-in-law of the respondent No.2. The aforesaid petition has been filed for quashing of the C.R. No. 131/2019 registered with the Antop Hill Police Station, Mumbai, for the alleged offence punishable under Sections 498A, 325, 354, 406, 504 r/w Section 34 of the Indian Penal Code.

5 After investigation, charge-sheet was filed in the said case. It appears that thereafter, the parties amicably settled their dispute and as such the parties entered into consent terms dated 13th August 2021. The said consent terms are at page 26 (Exhibit 4) of the petition. As per the said consent terms, respondent No. 2 has agreed to give her

consent for quashing of the FIR and all consequential proceedings thereto. As per one of the clauses, in particular, clause 8(c), the petitioner No. 1, on quashing of the FIR being C.R. No. 131/2019 and charge-sheet filed therein, is to pay last installment of Rs. 2,00,000/- to the respondent No. 2.

6 Today, all the petitioners as well as respondent No. 2 are present in Court. Learned counsel for the petitioners have handed over a cheque of Rs. 2,00,000/- to the respondent No. 2, who is present in Court. He, on instructions, assures that the said cheque will be honoured on deposit. Learned counsel for the respondent No.2 has tendered self attested xerox copy of the Aadhar card of the respondent No. 2. The same is taken on record.

7 The respondent No. 2 has also filed a consent affidavit which is at Page 36 of the petition. In the said affidavit, the respondent No. 2 has stated that she has amicably resolved all the dispute with the petitioners and has settled all the claims and that consent terms have

been filed by the parties before the learned Sessions Court at Mumbai on 13th August 2021 in Criminal Appeal No. 708/2019. In accordance with the consent terms, the respondent No. 2 has withdrawn the DV complaint filed by her before the learned Metropolitan Magistrate, 61st Court at Kurla. Similarly, she has also withdrawn Criminal Appeal No. 708/2019 filed by her, challenging the interim order passed by the trial court at Kurla. She has also stated that she has received a sum of Rs.3,50,000/-, till date. Today, a cheque of Rs. 2,00,000/- has been handed over by the petitioner No. 1 to the respondent No. 2. The respondent No. 2, who is present in Court, when questioned, reiterates the contents of the affidavit filed by her. She states that she has no objection for quashing of the FIR/charge-sheet and all consequential proceedings thereto.

8 Having regard to the relation between the parties, the nature of dispute and the judicial pronouncements of the Apex Court in *Gian Singh vs. State of Punjab & Anr.*¹ and *Narinder Singh & Ors.*

1 (2012) 10 SCC 303

*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. 131/2019 registered with the Antop Hill Police Station, Mumbai, as against the petitioners at the instance of the respondent No. 2 and all consequential proceedings 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.

MADHAV J. JAMDAR, J.

REVATI MOHITE DERE, J.

² (2014) 6 SCC 466