

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

WRIT PETITION NO.3975 OF 2022

1. Nehul Bhuvnesh Pandya
2. Mr. Bhuvnesh Pandya
3. Smt. Dipti Bhuvnesh Pandya
4. Miss Urvi Bhuvnesh Pandya ...Petitioners.

Versus

1. Smt. Surbhi Nehul Pandya
2. Sr. Inspector of Police,
3. State of Maharashtra ...Respondents.

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Mr. R.K. Dave, for the Petitioner.

Mr. Mehul Thakkar a/w Mr. Abdullah Bharwal for Respondent no.1.

Mrs. PP Shinde, APP for Respondent No.2.

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***CORAM : REVATI MOHITE DERE &
R.N.LADDHA, JJ.***

DATE : 29th NOVEMBER, 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 APP waives notice on behalf of the Respondent No.1-State and Mr.Thakkar, learned Counsel for the Respondent No.1 waives notice on behalf of the Respondent No.1.

3. By this petition, the petitioners seeks quashing and setting aside of the FIR registered vide CR no.237 of 2021 with the Arnala Police Station, Virar, Palghar, for the alleged offences punishable u/s 498-A, 504, 506, 323 r/w 34 of the Indian Penal Code. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. Perused the papers. The Petitioner No.1 is the husband of Respondent No.1, Petitioners No.2 and 3, the in-laws and Petitioner No.4, the sister-in-law respectively of the Respondent No.1. Petitioner No.1 and Respondent No.1 got married on 5.2.2018 at Banswara, Rajasthan, as per Hindu rites and rituals. Post-marriage Respondent No.1 started residing with the Petitioners. As according

to the Respondent No.1, she was ill-treated and harassed by the Petitioners, she lodged the aforesaid FIR, as against the Petitioners alleging the aforesaid offences. After investigation, charge sheet has been filed and the case is presently pending before the learned JMFC, Vasai, being RCC No. 2228 of 2021.

5. In the interregnum, during the pendency of the aforesaid proceeding, the parties amicably settled their dispute. It appears that the Respondent No.1 had also initiated Domestic Violence proceeding against the Petitioners, which was withdrawn by her, pursuant to the Consent Terms entered into between the parties. The said Consent Terms have been filed in the Court of the learned Senior Division at Vasai, Palghar in the Domestic Violence proceeding. It also appears that a petition seeking dissolution of marriage by mutual consent u/s 13(B) of the Hindu Marriage Act has also been filed by the parties. We are informed, that the said petition is pending before the learned Sr.Division Judge, Vasai, Palghar being Petition No.465 of 2022.

6. The Consent Terms are at Exhibit D, at page no.30. It is evident from the said Consent Terms that the Petitioner No.1 has agreed to pay a lumpsum amount of Rs.14,25,000/- to the Respondent No.1 by way of full and final settlement. Rs. 7,00,000/- are to be paid at the time of quashing of aforesaid petition and balance of Rs.7,25,000/- are to be paid at the time when the decree of divorce by mutual consent is passed.

7. Learned Counsel for the Petitioner No.1 and the Respondent No.1 have tendered a joint affidavit of the Petitioner No.1 and Respondent No.1, dated 29.11.2022 duly affirmed before the Assistant Registrar, High Court. The said affidavit is taken on record. In the said affidavit, the parties have agreed to abide by the terms and conditions as stipulated therein. Today, pursuant to one of the terms of the Consent Terms, the Petitioner No.1 has handed over a Demand Draft to the Respondent No.1. Respondent No.1 and her Counsel acknowledge the receipt of the said Demand Draft of Rs.7,00,000/- It is agreed that the balance of Rs.7,25,000/- will be paid by the

Petitioner No.1 to the Respondent No.1, at the time of grant of divorce by mutual consent. Respondent No.1 has also accepted having received her 'Stridhan'. She has also given her no objection to the quashing of CR. Respondent No.2 is present in person. On being questioned, she reiterates what is stated in the joint affidavit. Learned Counsel for the Respondent No.1 has tendered a photocopy of the Aadhar Card of the Respondent No.1, duly attested by her. The same is taken on record. She is identified by her Counsel and the learned APP has verified the original Aadhar Card.

8. Considering the nature of dispute, the relations between the parties, the Consent Terms entered into between the parties, the joint affidavit of the Petitioner No.1 and the Respondent No.1 and 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.

1 (2012)10 SCC 303

2 (2014) 6 SCC 466

9. Petition is accordingly, allowed and the FIR bearing C.R. No.237 of 2021 registered with the Arnala Police Station, Vasai, Palghar, and consequently the proceeding pending before the JMFC, Vasai, being RCC No.2228 of 2021 are quashed and set aside.
10. Rule is made absolute in the aforesaid terms.
11. Petition is disposed of accordingly.
12. Learned Counsel for the Respondent No.1 to file his Vakalatnama, if not filed, within two weeks of uploading of this order.
13. All parties to act on authenticated copy of this order.

[R.N.LADDHA, J.]

[REVATI MOHITE DERE, J.]