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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1056 OF 2021

Manoj S. Jagtap and ors.

... Applicants

V/s.

The State of Maharashtra and anr.

... Respondents

Mr. Anup Lahoti for the Applicant.

Mr. K.V. Saste, APP for the Respondent/State.

Mr. Jaipal V. Tare Patil for Respondent No.2.

CORAM : NITIN JAMDAR &
N.R. BORKAR, JJ.

DATE : 14 JULY 2022.

P.C.

. The present application under Section 482 of Code of Criminal Procedure, 1973 is filed to quash the First Information Report No.99 of 2020 (hereinafter referred to as "FIR", for short) dated 7 March 2020 registered at Vakola Police Station, Mumbai against the Applicants for the offences punishable under Sections 498-A, 504 and 506 read with 34 of Indian Penal Code.

2. The aforesaid crime came to be registered at the instance of Respondent No.2, who has alleged that she was subjected to mental

and physical cruelty at the hands of her husband and in-laws. The Applicant No.1 is the husband of Respondent No.2 and the Petitioner Nos.2,3,4 and 5 are her mother-in-law, father-in-law, sisters-in-law respectively.

3. The learned Counsel for the Applicants and the Respondent No.2 jointly submit that the parties have amicably settled the dispute and now they are cohabiting together. It is submitted that no purpose would be served by keeping the prosecution alive, in view of the settlement arrived at between the parties. The learned Counsel for the parties submit that the present case is squarely covered by the law laid down by the Hon'ble Supreme Court in the case of *Gian Singh vs. State of Punjab*.¹

4. The Respondent No.2 has filed the consent affidavit. Respondent No.2 has stated that pursuant to amicable settlement, she went back to her matrimonial home and they are cohabiting together. Respondent No.2 has stated that she has no objection if the FIR in question is quashed in view of the settlement arrived at between the parties.

5. The Hon'ble Supreme Court in the case of *Gian Singh (supra)* has held :

“But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing

¹ (2012) 10 SCC 303

for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim.”

6. We have examined the facts of the present case in the light of law laid down by the Hon'ble Supreme Court in *Gian Singh's* case. The main reason for filing of the FIR appears to be matrimonial dispute, which is now resolved as the Applicant No.1 and Respondent No.2 are cohabiting together. The allegations are totally of personal nature. In view of the settlement between the parties, Respondent No.2 is not going to support the prosecution case and therefore, possibility of conviction is remote and bleak. Nothing fruitful will therefore come out of the prosecution in question. Considering these facts and circumstances, the application deserves to be allowed. Hence, the Criminal Application is allowed in terms of prayer clause (b), which reads thus:

“b) That this Hon’ble court be pleased to quashed and set aside the FIR No.99 of 2020 against the present Applicants, registered with Vakola Police Station, Mumbai for the offences punishable under Sections 498-A, 504, 506 and 34 of IPC as this Hon’ble Court may deem fit and proper;”

7. Criminal Application is disposed of.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)