

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

CRIMINAL WRIT PETITION NO. 3877 OF 2019

1. Jude Sebastian Rodrigues
2. Theresa Maria Rodrigues
3. Maryanne Clare Mendonca ...Petitioners

Versus

1. The State of Maharashtra
2. Priya Pinto Rodrigues ...Respondents

Mr. Bernardo Reis i/b Mr. Sushant Mhatre for the Petitioners

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

Mr. B. A. D'Lima for the Respondent No. 2

**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.
FRIDAY, 16th DECEMBER 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 notice on behalf of the respondent No.1–State.

Mr. D’Lima waives notice on behalf of the respondent No.2.

3 By this petition preferred under Article 226 of the Constitution of India and Section 482 of the Code of Criminal Procedure, the petitioners seek quashing and setting aside of FIR registered vide C.R. No. 266/2019 with the Bandra Police Station, Mumbai, for the alleged offences punishable under Sections 498A, 323, 324, 504, 506(ii) 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. 2; the petitioner No. 2 is the mother-in-law and petitioner No. 3 is the sister-in-law respectively of the respondent No. 2. According to the respondent No. 2, she got married with the petitioner No. 1 on 18.03.2006 in Mumbai. From the said wedlock, the parties have a child, who is about 14 years of age. According to

the respondent No. 2, as she was allegedly ill-treated and harassed by the petitioners, she filed the aforesaid FIR as against the petitioners, alleging the aforesaid offences. We are informed that till date, charge-sheet has not been filed in the said case.

5 In the interregnum, during the pendency of the investigation of the aforesaid case, the parties amicably settled their dispute and entered into Consent Terms. The said Consent Terms entered into between the petitioner No. 1 and respondent No. 2 were filed in the anticipatory bail application preferred by the petitioner No. 1 being Anticipatory Bail Application No. 870/2019. As per the said Consent Terms, the petitioner No. 1 has undertaken to pay a sum of Rupees Two Crores Ten Lakhs to the respondent No. 2 in installments stipulated in the Consent Terms i.e. in paras 3(a) to 3(e). As per the terms of the Consent Terms, the petitioner No. 1 has paid a sum of Rupees One Crore Ten Lakhs to the respondent No. 2, till date.

6 Learned counsel for the respondent No. 2 has filed a consent affidavit of the respondent No. 2, in view of the amicable settlement arrived at between the parties. The said affidavit is dated 24.10.2022, which is duly affirmed before the Notary. Although, said consent affidavit was filed in the Registry, Registry has not placed the said consent affidavit of the respondent No. 2 before us and hence, we have taken a photocopy of the said consent affidavit of the respondent No. 2 from the learned counsel appearing for the said respondent. The photocopy of the said consent affidavit is taken on record. In the said consent affidavit, the respondent No. 2 has stated that pursuant to the mediation, the parties have amicably settled their dispute on the terms and conditions set out in the Consent Terms. She has further given her no objection for quashing of the proceedings initiated at her behest, against the petitioners.

7 The respondent No. 2 is present in Court. She reiterates what is stated by her in her consent affidavit. She is identified by her counsel. Learned counsel for the respondent No. 2 has also

tendered a photocopy of the Aadhar Card of the respondent No. 2, duly attested by her. The same is taken on record. The learned A.P.P has verified the original Aadhar Card of the respondent No. 2.

8 Considering the nature of dispute, relations between the parties, amicable settlement between the parties, the Consent Terms entered into between the parties, the affidavit of respondent No. 2 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 petition.

9 The petition is accordingly allowed. The FIR bearing C.R. No. 266/2019 registered with the Bandra Police Station, Mumbai, is quashed and set-aside, subject to the petitioner No.1 complying with the terms stipulated in the consent terms, with respect to payment.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

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.

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.