

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.4275 OF 2021**

Smt. Prabha J. Rege and anr. V/s. The State of Maharashtra and anr.	... Petitioners ... Respondents
---	--

**WITH
WRIT PETITION NO.4335 OF 2021**

Saish J. Rege V/s. The State of Maharashtra and anr.	... Petitioner ... Respondents
--	---------------------------------------

Mr. Prathamesh Sawant for the Petitioners in both the petitions
Ms M.H. Mhatre, APP for the Respondent No.1 – State.
Ms Aarti R. Dharasey i/b Ms Leela P. Ranga for Respondent No.2 in
both petitions.

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

DATE : 17 AUGUST 2022.

P.C.

. Both these petitions under Article 226 of the Constitution of India read with Section 482 of Code of Criminal Procedure, 1973 are filed to quash one and the same First Information Report No.970 of 2021 (for short “FIR”) dated 12 August 2021 registered at Katurbha Marg Police Station, Mumbai against the Petitioners for

the offences punishable under Sections 498(A) and 406 read with 34 of Indian Penal Code.

2. The aforesaid crime came to be registered at the instance of Prachi Saish Rege (hereinafter referred to as the Complainant), who has *inter alia* alleged that she was subjected to mental and physical cruelty at the hands of her husband and in-laws. The Petitioner in Writ Petition No. 4335 of 2021 is the husband of the Complainant and Petitioners in Writ Petition No. 4275 of 2021 are her in-laws.

3. The learned Counsel for the Petitioners and the learned Counsel for the Complainant jointly submit that the parties have amicably settled the dispute and filed the consent terms before the Family Court at Bandra. 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 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 Complainant has filed the consent affidavit in both the Petitions. The Complainant has stated that she has received her streedhan and amount of Rs.52,50,000/- towards permanent alimony. The Complainant has stated that she has no objection if the

1 (2012) 10 SCC 303

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 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. It appears that the prosecution has filed 'C' Summary, however, the trial Court rejected the same on the ground that, there is a prima facie material to proceed against the Petitioners for the alleged offences. However, the main reason for filing of the FIR appears to be matrimonial dispute. The allegations are totally of personal in nature. In view of the settlement between the parties, the Complainant is not going to support the prosecution case and

therefore, possibility of conviction is remote and bleak.

7. Considering the overall facts and circumstances, both the petitions deserve to be allowed. They are accordingly allowed and the FIR No. 970 of 2021 registered at Kasturba Marg Police Station, Mumbai against the Petitioners for the offences punishable under Sections 498(A) and 406 read with 34 of the IPC and the order rejecting 'C' Summary are quashed and aside.

8. Both Writ Petitions are disposed of.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)

KANCHAN
PRASHANT
DHURI
Digitally signed
by KANCHAN
PRASHANT
DHURI
Date:
2022.08.26
18:42:45 +0530