

Versus

The State of Maharashtra and another ... Respondents

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Mr. Milind Dhande alongwith Mrs. Ranjana Lad, Mr. Akshay Salvi,
Mr. Siddhesh Rane and Ms. Divya Tiwari for the Applicants.
Mr. Y.M. Nakhwa, APP for the State.
Ms. Viral Babar for Respondent No.2.
PSI Kandalgaonkar, Mulund Police Station, present.

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

DATED : 30 JUNE 2022

P.C. :-

Heard learned Counsel for the parties.

2. By this Application, the Applicants seek the following prayer :

“(a) This Hon’ble Court by invoking its inherent jurisdiction under Section 482 of CRPC, 1973 may be pleased to quash the FIR/C.R. No.897 of 2021 registered with Mulund Police Station for alleged commission of offence under Sections 498(A), 376, 406, 323, 500, 506, 34 of the Indian Penal Code.”

3. The Applicant No.1 is the husband of Respondent No.2. Applicant Nos.2 and 3 are the in-laws.

4. The learned Counsel for the Applicants and the Respondent No.2 jointly pray that the FIR filed by the Respondent No.2 be quashed in light of the consent given by Respondent No.2 in this Court and Family Court at Bandra and in the proceedings under the Protection of Women from Domestic Violence Act, 2005.

5. The learned Counsel for the parties states that this case is covered by the law laid down by the Supreme Court in the case of *Gian Singh vs. State of Punjab*¹.

6. The Respondent No.2 filed the FIR alleging that she was subjected to mental and physical cruelty and demands of dowry and also of sexual intercourse against her wish. The consent terms filed in the Family Court are placed on record. The consent terms refer to the present FIR. In the consent terms, certain amount is decided to be paid to Respondent No.2, to which the learned Counsel for Respondent No.2 states that the entire amount is received. The custody of children is also decided. In the Affidavit filed by Respondent No.2, she has accepted this position.

1 2012(10) SCC 303

7. The learned APP on instructions from the Investigating Agency states that offence under Section 376 was subsequently dropped.

8. Having considered the matter in totality, we find that if the FIR is not quashed, the settlement arrived at would be disrupted. In view of the consent terms filed, the Petition filed in the Family Court has already been decreed and the marriage is dissolved. Amount has been paid. Keeping this proceedings pending could be a needless harassment to the parties. The learned Counsel for the Applicants and Respondent No.2 are rightly relied on the decision of the Supreme Court in *Gian Singh (supra)*. Accordingly, the Application is allowed in terms of prayer clause (a).

9. The Application is accordingly disposed of.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)

KANCHAN
PRASHANT
DHURI

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