

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.4210 OF 2021**

1. Asha Gopalkrishna Gupta	]	
2. Gopalkrishna Gupta	]	
3. Nishant Gopalkrishna Gupta	]	
4. Prashant Gopalkrishna Gupta	]	Petitioners

Vs.

1. The State of Maharashtra	]	
2. Ankita Raviprasad Jaiswal @	]	
Ankita Sushant Gupta	]	Respondents

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Mr. Kuldeep U. Nikam, for Petitioners.

Ms. P.P. Shinde, A.P. P, for Respondent No.1 -State.

Mr. Prasad Avhad, for Respondent No.2.

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**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, J.J.**

DATE : 19th SEPTEMBER, 2022.

P.C.

1. Heard learned Counsel for the petitioners, learned A.P.P appearing for the respondent No.1- State and learned Counsel appearing for the respondent No.2.

2. Rule. Rule is made returnable forthwith, with the consent of the parties and the petition is taken up for final disposal. Learned A.P.P waives notice on behalf of the respondent No.1– State. Mr. Avhad, waives notice on behalf of the respondent No.2.

3. By this petition, preferred under Article 226 of the Constitution of India and under section 482 of the Code of Criminal Procedure, the petitioners seek quashing of the FIR bearing C.R. No. 0221 of 2021 registered with the Vimantal (Airport) Police Station, District Pune for the alleged offences punishable under sections 498A, 406, 354 (c), 506 r/w 34 of the Indian Penal Code (for short "I.P.C") and sections 67 and 66 (c) of the Information and Technology Act, 2000.

4. Learned Counsel appearing for the petitioners submits that the parties have amicably settled their dispute and as such the respondent No. 2 has no objection if the proceeding i.e. the aforesaid C.R and the consequential proceeding arising thereto, are quashed and set aside, in view of the amicable settlement

between the parties.

5. Learned Counsel appearing for the respondent No. 2 has tendered an affidavit of the respondent No.2 dated 19th September, 2022 duly affirmed before the Assistant Registrar High Court. The said affidavit is taken on record. Learned Counsel for the respondent No. 2 has also tendered a self attested xerox copy of the Aadhar card of the respondent No.2. The same is taken on record. The respondent No. 2 is present in the Court and she reiterates the contents of the said Affidavit. Learned Counsel appearing for the respondent No.2 identifies the respondent No.2. Learned A.P.P has also seen the original Aadhar Card of the respondent No.2.

6. Perused the papers. The petitioner Nos.1 and 2 are the mother-in-law and the father-in-law of the respondent No.2 and petitioner Nos. 3 and 4 , the brother-in-laws of the respondent No.2. It appears that after the demise of respondent No.2's husband, the aforesaid F.I.R/C.R was registered alleging the aforesaid offences, as against the petitioners. It appears that

thereafter the parties have amicably settled their dispute and have resolved their differences. It also appears that the respondent No.2 has received a total consideration of Rs.84,00,000/- by way of a full and final settlement i.e Rs.35,52,990/- from the Bank Account of her deceased husband as well as from the employer company of her deceased husband. It appears that a 'No Objection Certificate' has also been issued by the petitioners No.1 and 2 to the employer of the respondent No.2's deceased husband.

7. Learned Counsel for the respondent No.2 submits that as per clause 4 of the affidavit, the respondent No.2 has received an amount of Rs.48,47,010/- by way of Demand Draft No.278047 dated 15th September, 2022 drawn on State Bank of India, Branch Pimpale Saudagar, Pune.

8. In view of the same, the respondent No.2 has no objection for quashing of the proceedings as against the petitioners. When questioned, the respondent No.2 reiterates what is stated by her

in the affidavit, that she has no objection to quashing of the proceeding as against the petitioners.

9. Considering the relationship between the parties, the nature of dispute and the amicable settlement between the parties, as well as the judicial pronouncements in this regard, there is no impediment in allowing the petition.

10. The petition is accordingly allowed and C.R. No. 0221 of 2022 registered with the Vimantal (Airport) Police Station, Pune, as against the petitioners for the alleged offences punishable under sections 498A, 406, 354 (c) 506 of the I.P.C r/w 34 of the I.P.C and Sections 67 and 66 (c) of the Information and Technology Act, 2000 is quashed and set aside. Consequent to the quashing of the C.R. No.0221 of 2022, the proceeding arising from the said C.R. is also quashed and set aside.

11. Rule is made absolute in the aforesaid terms. Writ Petition is disposed of accordingly.

12. In view of the order passed hereinabove, it is open for the petitioners to file an appropriate application before the appropriate Court for return of their mobile phones.

13. All concerned to act on the authenticated copy of this order.

[PRITHVIRAJ K. CHAVAN, J.] [REVATI MOHITE DERE, J.]