

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

CRIMINAL WRIT PETITION NO. 3942 OF 2022

1. Puneet Kishor Lahrani.
2. Kishor Lahrani.
3. Mrs. Reena Lahrani.
4. Mehr Gurnani. ...Petitioners.

Versus

1. State of Maharashtra.
2. Mrs. Jueta Lahrani. ...Respondents.

Mr. Mithilesh Mishra i/b. Mr. Vikram Sutaria, advocate for Petitioners.

Mr. J.P. Yagnik A.P.P for the Respondent – State.

Mr. Zain Shroff a/w. Ms. Shaista Pathan and Mr. Vishwam Thaker i/b. Y. & A Legal, advocate for respondent No. 2.

***CORAM : REVATI MOHITE DERE &
R.N. LADDHA, JJ.***

DATE : 29th NOVEMBER, 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 and learned Counsel Mr. Shroff waives notice on behalf of the respondent No.2.

3 By this Petition, the petitioners seek quashing and setting aside of the FIR bearing C.R. No. 561 of 2021, registered with the Santacruz Police Station, Mumbai, for the alleged offences punishable under Sections 498-A, 506, 406 read with 34 of the Indian Penal Code. Quashing is sought on the premise that, the parties amicably settled their dispute.

4. Perused the papers. The Petitioner No. 1 is the husband of the Respondent No. 2, Petitioner Nos. 2 and 3, in-laws and Petitioner No. 4, sister-in-law, respectively of the respondent No. 2. It appears that the Petitioner No. 1 and the respondent No. 2 got married on 26th February 2019 at Dubai, as per Hindu rites and rituals. Post marriage, as, according to the respondent No. 2, she was allegedly ill-treated and harassed, 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. Apart from the aforesaid C.R., it appears that two other C.R.s were lodged interse, between the parties, pursuant to the matrimonial dispute between the Petitioners and the respondent No. 2 i.e. MECR No. 480 of 2022 with the Santacruz Police Station, Mumbai, for the alleged offences punishable under Sections 379, 354, 323, 383, 385, 352, 359, 506, 509 of the Indian Penal Code. It appears that the said complaint was filed by the Petitioner No.3 herein, as against the respondent No. 2, some of her family members and her friends. The third FIR bearing C.R. No. 23 of 2022 was registered at Colaba Police Station, Mumbai at the behest of the Petitioner No.1's sister Mehr Gurnani i.e. Petitioner No. 4 in the present Petition, as against the mediator, who mediated between the couple i.e. The Petitioner No. 1 and the Respondent No. 2. In the said C.R., the offences alleged are under Sections 354, 354D, 504 and 506 of the Indian Penal Code.

6. During the pendency of all the aforesaid cases, the parties decided to amicably settle their disputes and accordingly, entered into

consent terms. The said consent terms are dated 2nd September, 2022. The said Consent Terms are at Exh. B at page 72 of the Petition. All parties in all the C.R.'s have decided to put a quietus to the proceedings initiated by one against the others. They have also mutually agreed to give their no objection to the quashing of the proceedings initiated by each against the other. It is also agreed that the Petitioner No. 1 will give Rs. 1,00,00,000/- (Rs. One Crore only) to the Respondent No. 2, by way of full and final settlement, at the time when the decree of divorce is passed by the Family Court, Bandra.

7. Learned Counsel for the respondent No. 2 has tendered an affidavit of the Respondent No.2 dated 6th October, 2022, duly affirmed before the Notary. To the said affidavit is annexed the driving licence of the respondent No. 2, duly attested by her. The said affidavit is taken on record. In the said affidavit, the respondent No. 2 has stated that the disputes have been settled between the parties and that it is decided that all the litigation would come to an end. She has also given her no objection to the quashing of the aforesaid C.R.

8. The respondent No. 2 is present in person. On questioning, she reiterates, what is stated in her affidavit. She states that she has received her streedhan and her articles, and that, she has no objection for quashing of proceeding initiated at her behest, provided the terms and conditions, as entered into, between the parties are complied with.

9. We are informed that Rs. 1,00,00,000/-(Rs.One Crore only) has already been deposited by the Petitioner No. 1 in the Family Court, Bandra, Mumbai and the same will be released, in favour of the respondent No. 2, at the time, when the decree of divorce is passed by the Family Court at Bandra, Mumbai.

10. The Respondent No. 2 has been identified by her counsel and the learned APP has verified the original driving licence of the respondent No. 2.

11. Considering the nature of dispute, the relations between the parties, the consent terms entered into between them, the affidavit of the respondent No. 2 and 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.

12. The petition is accordingly allowed and the FIR bearing C.R. No. 561 of 2021 registered with the Santacruz Police Station, Mumbai, for the aforesaid alleged offences, and consequently the proceeding arising therefrom, if any pending are quashed and set-aside.

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

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

R.N. LADDHA, J.

REVATI MOHITE DERE, J.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466