

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

CRIMINAL WRIT PETITION NO. 3430 OF 2022

1. Vimal Kumar Sabhajit Singh
2. Sabhajit Singh
3. Manorama Sabhajit Singh
4. Supriya Nirmal Singh
5. Nirmal Sabhajit Singh

...Petitioners

Versus

1. Rupali Vimal Singh
2. The State of Maharashtra

...Respondents

Mr. Vijaykumar Kamble for the Petitioners

Mr. Shrinivas Singh for the Respondent No. 1

Ms. M. H. Mhatre, A.P.P for the Respondent No.2-State

**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.
THURSDAY, 22nd SEPTEMBER 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. Mr. Singh waives service on behalf of the respondent No. 1. Learned A.P.P waives notice on behalf of the respondent No.2–State.

3 By this petition, the petitioners seek quashing of the FIR bearing C.R. No. 256/2019 registered with the Kamothe Police Station, Navi Mumbai, for the alleged offences punishable under Sections 498A, 406, 504 r/w 34 of the Indian Penal Code. Quashing is sought on the premise that the petitioners and the respondent No. 1 have amicably settled their dispute.

4 Perused the papers. The petitioner No. 1 is the husband of respondent No.1; petitioner No. 2 is the father-in-law; petitioner No. 3 is the mother-in-law of the respondent No.2; the petitioner No. 4 is petitioner No.5's wife and petitioner No. 5 is the brother of the petitioner No.1. It appears that the petitioner No. 1 and respondent No. 1 got married on 4th December 2017 according to Hindu Vedic

rites and rituals, at Goregaon, Mumbai and after marriage, the respondent No. 1 started residing with the petitioners. It appears that thereafter, there were certain differences/marital discord between the parties, pursuant to which, respondent No. 1 lodged the aforesaid complaint/FIR, initially with the Kurar Police Station, which was subsequently transferred to Kamothe Police Station, Navi Mumbai and was numbered as C.R. No. 256/2019. After investigation, charge-sheet has been filed in the said case and the said case being RCC No. 775/2021, is pending before the learned Judicial Magistrate First Class, Panvel. It appears that in the interregnum, the parties amicably settled their dispute and decided to put an end to the cases initiated by them against each other.

5 The respondent No. 1 has filed an affidavit dated 12th September 2022, duly affirmed before the Notary. In the said affidavit, the respondent No. 1 has stated that on 13th August 2022, she has withdrawn the case bearing No. 478/DV/2019 initiated by her against the petitioners. To the said affidavit, is annexed a copy of the

order passed by the Metropolitan Magistrate, 67th Court, Borivali, Mumbai, dated 13th August 2022, disposing of the said DV complaint. It also appears from para 5 of the said affidavit that pursuant to the settlement arrived at between the petitioner No. 1 and the respondent No.1, petitioner No. 1 has agreed to give a sum of Rs. 11,17,500/- to the respondent No.1, as permanent alimony. Learned counsel for the petitioners has handed over a demand draft of Rs. 11,17,500/-, the details of which are set-out in para 5 of the affidavit, to the respondent No.1 in Court. Respondent No.1, in para 6 of the said affidavit, has further undertaken to cooperate for dissolving the marriage between her and petitioner No.1 and for giving her consent in the Petition/Divorce Petition No. 166/2020 filed by the petitioner No.1 before the Panvel Court. In para 7, she has given her no objection for quashing of FIR bearing No. 256/2019 registered with the Kamothe Police Station, Navi Mumbai, pending before the Joint Civil Judge, Junior Division, Panvel at Navi Mumbai bearing RCC No. 775/2021.

6 Respondent No. 1 is present in Court. Learned counsel for the respondent No. 1 has tendered a self attested xerox copy of Aadhar Card of the respondent No. 1. The same is taken on record. Learned counsel for the respondent No. 1 identifies her. Learned A.P.P has verified the original Aadhar Card of the respondent No.1. When questioned, respondent No. 1 reiterates what is stated by her in her affidavit. She states that she has received her streedhan and all articles including the demand draft for Rs. 11,17,500/-. She states that she has no objection for quashing of the FIR bearing No. 256/2019 registered with the Kamothe Police Station, Navi Mumbai, pending before the Joint Civil Judge, Junior Division, Panvel at Navi Mumbai bearing RCC No. 775/2021.

7 Considering the relations between the parties, the nature of dispute and having regard to the judicial pronouncements of the Apex Court in *Gian Singh vs. State of Punjab & Anr.*¹ and *Narinder*

1 (2012) 10 SCC 303

*Singh & Ors. vs. State of Punjab & Anr.*², there is no impediment in allowing the petition.

8 The petition is accordingly allowed and the FIR bearing No. 256/2019 registered with the Kamothe Police Station, Navi Mumbai, pending before the Joint Civil Judge, Junior Division, Panvel at Navi Mumbai bearing RCC No. 775/2021 and all consequential proceedings arising therefrom, are quashed and set-aside.

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

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.

² (2014) 6 SCC 466