

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

WRIT PETITION NO.4616 OF 2021

Mrs. Rajeshri A. Adukia
& Others

.. Petitioners.

v/s.

The State of Maharashtra
& Another

.. Respondents.

Mr. Rajesh M. Kanojiya, for the Petitioners.

Mr. K. V. Saste, APP for Respondent No.1-State.

Mr. A. M. Saraogi, for Respondent No.2.

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**CORAM: NITIN JAMDAR &
ARUN R. PEDNEKER, JJ.
DATE : 20th JULY, 2022.**

P.C:-

Heard learned Counsel for the parties.

2 The Petitioner have filed this Petition for following reliefs:-

“(a) The C. R. No.1-346 of 2019 registered with M.H.B. Police Station, Borivali for offences punishable under Section 498A, 323, 504, 506 r/w. 34 of I. P. C. may kindly be quashed and set aside in the interests of justice.”

3 Joint request is made by learned Counsel for the Petitioners and the Respondent No.2 for quashing the FIR with consent of Respondent No.2.

4 The learned Counsel for the parties rely upon the decision of the Supreme Court in the case of ***Gian Singh v/s. State of Punjab and Another (2012) 10 SCC 303.***

5 The Respondent No.2 has filed the FIR, alleging that she was subjected to mental and physical cruelty and the demand of dowry by the Petitioners. Petitioner No.1 is a mother-in-law; Petitioner No.2 is Sister-in-law; Petitioner No.3 is Father-in-law and Petitioner No.4 is husband of Respondent No.2.

6 The learned Counsel for the parties states that the parties have moved a Petition No. 664 of 2021 in the Family Court at Thane. He states that, in the Petition for Mutual Consent, there is a reference of the present FIR and that Respondent No.2 will keep consent for quashing of the same on payment of certain amount stipulated therein. The learned Counsel for Respondent No.2 states that Respondent No.2 has filed affidavit of consent and reiterates the consent of Respondent No.2.

7 Considering these facts, a case is made out for quashing of FIR by consent of Respondent No.2. not quashing the FIR to obstruct the settlement process may not result in conviction.

8 Accordingly, Writ Petition is allowed in terms of prayer clause (a).

9 Legal position is made clear to Respondent No.2. It is also accepted by learned Counsel for Respondent No.2 that if

there is any breach of the consent terms, which casts certain future obligation on the Petitioner, the remedy will not be approaching this Court in this disposed of Writ Petition.

(ARUN R. PEDNEKER,J.)

(NITIN JAMDAR,J.)