

DINESH
SADANAND
SHERLA

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DINESH SADANAND
SHERLA
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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4309 OF 2019**

Sulochana Devi Ghanshyam Lohia and anr. ... Petitioners

V/s.

State of Maharashtra and ors. ... Respondents

Mr. Subhash Jha a/w. Mr. Tushar Bansode and Siddharth Jha for the
Petitioners.

Mrs. S.D. Shinde, APP for Respondent Nos.1 and 3/State

Mr. Priyal Sarda for the Respondent No.2.

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

DATE : 2 AUGUST 2022.

P.C.

. The present petition under Article 226 of the Constitution of India read with Section 482 of Code of Criminal Procedure, 1973 is filed to quash the First Information Report No.509 of 2018 (hereinafter referred to as "FIR", for short) dated 25 October 2018 registered at Juhu Police Station, Mumbai against the present Petitioners for the offences punishable under Sections 498-A, 354, 377 and 406 read with 34 of Indian Penal Code and the criminal case bearing C.C. No. 3493/PW/2019 pending on the file of Metropolitan Magistrate, 10th Court at Andheri, Mumbai arising out of the said FIR.

2. The aforesaid crime came to be registered at the instance of

Respondent No.2, who has *inter alia* alleged that she was subjected to mental and physical cruelty at the hands of her husband and in-laws. The Petitioner Nos.1 and 2 are the mother-in-law and sister-in-law of Respondent No.2.

3. The learned Counsel for the Petitioners and the learned Counsel for Respondent No.2 jointly submit that the parties have amicably settled the dispute. It is submitted that no purpose would be served by keeping the prosecution alive, in view of the settlement arrived at between the parties. The learned Counsel for the parties submit that the present case is squarely covered by the law laid down by the Hon'ble Supreme Court in the case of *Gian Singh vs. State of Punjab*¹.

4. The Respondent No.2 has filed the consent affidavit dated 2 August 2022. Respondent No.2 has stated that she has no objection if the FIR and the criminal case in question are quashed against the present Petitioners in view of the settlement arrived at between the parties.

5. The Hon'ble Supreme Court in the case of *Gian Singh (supra)* has held :

“But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences

1 (2012) 10 SCC 303

arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim.”

6. We have examined the facts of the present case in the light of law laid down by the Hon’ble Supreme Court in *Gian Singh’s* case. The main reason for filing of the FIR appears to be matrimonial dispute. The allegations are totally of personal in nature. In view of the settlement between the parties, Respondent No.2 is not going to support the prosecution case and therefore, possibility of conviction is remote and bleak. Nothing fruitful will therefore come out of the prosecution in question. Considering these facts and circumstances, the petition deserves to be allowed. Hence, Writ Petition is allowed. Consequently, the FIR and criminal case in question are quashed and set aside *qua* the present Petitioners.

7. Criminal Writ Petition is disposed of.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)