

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3883 OF 2022

1. Ravindra Maniya Poojari
2. Sundari Maniya Poojari
3. Pramila Poojari
4. Mulesh Joshi ...Petitioners

Versus

1. The State of Maharashtra
2. Akshaya Ravindra Poojari ...Respondents

Mr. Sunil Lalla a/w Ms. Pooja Singh for the Petitioners.

Mr. K.V.Saste, A.P.P for the Respondent-State.

Ms. Richa Pandey for the Respondent No.2.

CORAM : REVATI MOHITE DERE &
R. N. LADDHA, JJ.
DATE : 9th 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. Ms. Richa Pandey waives notice on behalf of the respondent No.2.

3. By this petition, the petitioners seek quashing of the FIR bearing C.R. No. 449 of 2021 registered with the Navghar Police Station, Mira Bhayander, Thane, for the alleged offences punishable under Sections 498A, 406, 354A, 323, 504, 506 r/w 34 of the Indian Penal Code. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. Perused the papers. The petitioner No.1 is the husband of the respondent No.2. The petitioner Nos.2 and 3 are the mother-in-law and sister-in-law respectively, of the respondent No.2 and the petitioner No.4 is the employee of the petitioner No.1. The petitioner No.1 and the respondent No.2 got married on 21st February, 2011 at Bhayandar, Thane as per the Hindu Marriage Act. From the said marriage, the parties have a daughter. According to the respondent No.2, after marriage, she started residing at her matrimonial home.

She has alleged that a after few days, she was harassed / ill-treated by the petitioners. She has also alleged that the petitioner No.4 abused her in vulgar language. Pursuant thereto, the respondent No.2 lodged the aforesaid FIR as against the petitioners. After investigation, chargesheet was filed as against the petitioners and the case is presently pending before the learned Metropolitan Magistrate, 26th Court, Borivali, Mumbai.

5. In addition to the aforesaid FIR, the respondent No.2 also filed proceeding before the D.V. Court as well as before the Family Court at Thane.

6. In the interregnum, during the pendency of the aforesaid proceedings, the parties amicably settled their dispute and entered into Consent Terms and as such, sought divorce by mutual consent. As per the Consent Terms, the permanent custody of the daughter is to be with the respondent No.2. The petitioner No.2 has agreed to pay a lumpsum amount of **Rs.32,00,000/-** to the respondent No.2 by way of permanent alimony. We are informed that a sum of Rs.10,00,000/-

was paid to the respondent No.2 when she withdrew the D.V. proceeding, pending before the learned Metropolitan Magistrate. Today, Rs.10,00,000/- have been handed over to the respondent No.2, pursuant to the terms of settlement i.e. the respondent No.2 giving her no objection to the quashing of the aforesaid proceedings. We are informed that the balance amount of Rs.7,00,000/- is to be paid, as per the terms set out in the Consent Terms. The parties assure that they will abide by the terms and conditions stipulated in the Consent Terms. Statement accepted.

7. Learned Counsel for the respondent No.2 states that till date, the respondent No.2 has received Rs.20,00,000/- i.e. Rs.10,00,000/- at the time of withdrawal of the D.V. complaint and Rs.10,00,000/-, today.

8. The respondent No.2 is present in person. On questioning, she re-iterates what is stated by her in her affidavit that she has no objection for quashing of the FIR bearing C.R. No.449 of 2021 registered with the Navghar Police Station, Mira Bhayander,

Thane. She assures to comply with the terms and conditions stipulated in the Consent Terms between her and the petitioner No.1. The respondent No.2 has been identified by her Counsel. Learned Counsel for the respondent No. 2 has tendered a self attested xerox copy of the aadhar card of the respondent No. 2. The same is taken on record and the original is verified by the learned APP.

9. 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 the case of *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.

10. The petition is accordingly allowed and the FIR bearing C.R. No. 449 of 2021 registered with the Navghar Police Station, Mira Bhayander, Thane, and consequently, the proceeding arising

¹ (2012) 10 SCC 303

² (2014) 6 SCC 466

therefrom, are quashed and set-aside.

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

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

R. N. LADDHA, J.

REVATI MOHITE DERE, J.