

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

CRIMINAL WRIT PETITION NO. 4144 OF 2022

1. Mrs. Jueta Hemdev @ Jueta Lahrani.
2. Mr. Chander Hemdev.
3. Mr. Pratik Hemdev.
4. Mrs. Ekta Hemdev. ...Petitioners.

Versus

1. State of Maharashtra.
2. Mrs. Reena Kishor Lahrani. ...Respondents.

Mr. Zain Shroff a/w. Ms. Shaista Pathan and Mr. Vishwam Thaker, advocate for Petitioners.

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

Mr. Mithilesh Mishra, 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. Mishra 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. 480 of 2022, registered with the Santacruz Police Station, Mumbai, for the alleged offences punishable under Sections 379, 354, 323, 383, 385, 452, 506, 509 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 daughter-in-law of the Respondent No. 2. The Petitioner No. 2 is the Petitioner No.1's father. The Petitioner No. 3 is the brother and the Petitioner No. 4 is the mother of the Petitioner No. 1. The dispute is an outcome of a matrimonial dispute between the Petitioner No. 1 and the Respondent No. 2's son. Initially, the Petitioner No. 1 had filed C.R., as against the Respondent No. 2, for the alleged offences punishable under section 498A, 506, 406 read with 34 of the Indian Penal Code. Thereafter, the present C.R. has been registered, at the instance of the respondent No. 2, as against the Petitioners.

5. According to the respondent No. 2(original complainant), the incident took place on 26/1/2020, when the Petitioners forcibly entered the house, in the middle of the night, used abusive language and threatened the entire family. It is also alleged that the Petitioner No. 1 apart from taking her own belongings, also took away the respondent No. 2's jewellery and other valuable articles. Pursuant thereto, the respondent No. 2 lodged the aforesaid C.R., as against the Petitioners, alleging the aforesaid offences.

6. During the pendency of the aforesaid proceeding, the parties amicably settled their dispute and entered into consent terms. The said consent terms are at 'Exh. B', at page 43 of the Petition. The settlement is with respect to all the three cases, initiated by the parties against each other. By separate orders passed today, we have quashed two other C.R.s arising out of the matrimonial dispute between the parties.

7. Learned Counsel for the respondent No. 2 has tendered an affidavit of the respondent No. 2 dated 6th October, 2022 duly notarized before the notary. To the said affidavit, is annexed a photocopy of the

aadhar card 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 parties have amicably settled their dispute, and as such, it is decided to put a quietus to all the proceedings, filed by each, against the other. She has also given her no objection for quashing the proceeding, initiated by her, as against the petitioners.

8. The respondent No. 2 is present in person. On questioning, she reiterates, what is stated in her affidavit i.e., she has no objection for quashing of the proceeding, initiated at her behest, in view of the amicable settlement between the parties.

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 *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.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

10. The petition is accordingly allowed and the FIR bearing C.R. No. 480 of 2022 registered with the Santacruz Police Station, Mumbai, is 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.