

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

CRIMINAL WRIT PETITION NO.3919 OF 2022

1. Lavkumar Gopikumar Singhanian
 2. Laxmi Lavkumar Singhanian ...Petitioners
- Versus
1. The State of Maharashtra
 2. Laxmidevi Wd/o. Gopikumar Singhanian ...Respondents

Ms. Kenny Thakkar a/w Ms. D. M. Bhayani and Ms. Pragya i/b M/s. KVT Legal, for the Petitioners.

Mr. K. V. Saste, A.P.P for the Respondent No.1– State.

Mr. Deepak Dere a/w Ms. Khushboo Agrawal, for the Respondent No.2.

***CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.***

DATE : 16th DECEMBER 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. Mr. Dere waives

notice on behalf of the respondent No.2.

3. By this petition, preferred under Article 226 of the Constitution of India and under Section 482 of the Criminal Procedure Code, the petitioners seek quashing of the FIR bearing C.R. No. 134 of 2019, registered with the Malabar Hill Police Station, Mumbai, for the alleged offences punishable under Sections 341, 323, 504, 506 r/w 34 of the Indian Penal Code as well as under Section 24 of the Maintenance and Welfare of Parents and Senior Citizens Act. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. Perused the papers. The petitioners and the respondent No.2 are *inter se* related, inasmuch as, the petitioner No.1 is the son of the respondent No.2 and the petitioner No.2, the daughter-in-law of the respondent No.2. According to the respondent No.2, she was constrained to file the aforesaid C.R., as against the petitioners, as the petitioners wrongfully restrained her and assaulted her. It is also

alleged by the respondent No.2 that she was restrained from entering her own house, pursuant to which, she filed the aforesaid FIR, as against the petitioners, alleging the aforesaid offences. After investigation, charge-sheet was filed in the said case and the case is presently pending before the learned Metropolitan Magistrate, 40th Court, Girgaon, Mumbai, being C.C. No. PS/1074/2020. It appears that apart from the aforesaid CR, there are several complaints lodged by the parties *inter se* against each other and other family members.

5. During the pendency of the aforesaid proceeding and other C.Rs, all the parties entered into an amicable settlement and executed a Family Settlement Deed. The said Family Settlement Deed is at Exhibit – ‘B’, on page 23 of the petition. As per the Family Settlement Deed, the petitioners are to vacate the premises. There are other terms and conditions stipulated in the Family Settlement Deed, which all the parties who are signatories to Family Settlement Deed have undertaken to comply with.

6. Learned Counsel for the respondent No. 2 has tendered an affidavit of the respondent No.2 dated 28th September 2022, duly affirmed before the Assistant Registrar, High Court, Appellate Side. The same is taken on record. To the said affidavit is annexed a self-attested xerox copy of the aadhar card of the respondent No.2. In the said affidavit, the respondent No.2 has stated that there were disputes and differences between her and her family members, which have now been resolved by entering into Family Settlement Deed dated 10th August 2022. She has stated therein that in view of the amicable settlement between them, she has no objection to the quashing of the proceeding initiated at her behest. Respondent No.2 is present in Court. On questioning, she re-iterates what is stated by her in her affidavit. Learned Counsel for the respondent No.2 has identified the respondent No.2 and the learned APP has also verified the original aadhar card of the respondent No.2.

7. Both the petitioners are present in Court. They undertake to vacate the premises in question, within 15 days from

today. Statement accepted.

8. Considering the nature of dispute; the relations between the parties, the amicable settlement between them, the Family Settlement Deed entered into between the parties, the affidavit of the respondent No.2 and having regard to 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.

9. The petition is accordingly allowed and the FIR bearing C.R. No. 134 of 2019, registered with the Malabar Hill Police Station, Mumbai, and consequently, the proceeding pending before the learned Metropolitan Magistrate, 40th Court, Girgaon, Mumbai, being C.C. No. PS/1074/2020, are quashed and set-aside.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

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

11. The petitioners to deposit a sum of Rs. 15,000/- (in total), with the **Mumbai Police Welfare Fund bearing Account No. 465010100008693, IFSC No. UTIB0000465**, as costs. The said costs to be deposited within three weeks from today.

12. Stand over to **31st January 2023**, for recording compliance of the said deposit of costs.

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.