

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

CRIMINAL WRIT PETITION NO.4519 OF 2022

- | | | |
|----|---------------------------------|----------------|
| 1. | Laxmidevi Gopikumar Singhania | |
| 2. | Shharad Gopikumar Singhania | |
| 3. | Amit Gopikumar Singhania | |
| 4. | Vimlesh Ramprasad Singh | ...Petitioners |
| | Versus | |
| 1. | The State of Maharashtra | |
| 2. | Laxmi Lavkumar Singhania | |
| 3. | Gulabdhhar Jotashiprasad Mishra | ...Respondents |

Mr. Deepak Dere a/w Ms. Khushboo Agrawal, for the Petitioners.

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

Ms. Kenny Thakkar a/w Ms. D. M. Bhayani and Ms. Pragya i/b M/s.
KVT Legal, 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. Ms. Thakkar 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. 135 of 2019, registered with the Malabar Hill Police Station, Mumbai, for the alleged offences punishable under Sections 324, 379, 323, 504, 506(2), 143, 147, 149 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 mother-in-law of the respondent No.2; the petitioner Nos.2 and 3 are the brothers-in-law respectively of the respondent No.2; the petitioner No.4, is a Security Contractor/Security Agency Owner and respondent No.3 is a security guard. According to the respondent No.2, the petitioners alongwith respondent No.3 assaulted and committed theft

of certain articles and threatened and intimidated her, pursuant to which, she lodged the aforesaid complaint, as against the petitioners and the respondent No.3, 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.332/PW/2021.

5. Apart from the aforesaid CR, there are several other cases registered *inter se* between the parties, who are related to each other. During the pendency of the aforesaid proceeding, the parties amicably settled their dispute by entering into a Family Settlement Deed dated 10th August 2022. In view of the amicably settlement between the parties, the aforesaid petition has been filed seeking quashing of the FIR with the consent of the respondent No.2.

6. Learned Counsel for the respondent No.2 has filed an affidavit of the respondent No.2 dated 28th September 2022, duly affirmed before the Assistant Registrar, High Court, Appellate Side,

which is at Exhibit 'E' on page 122 of the petition. In the said affidavit, the respondent No.2 has stated that the dispute has been amicably settled between the parties and that the parties have entered into a Family Settlement Deed, and as such she has no objection to the quashing of the petition, not only as against the petitioners, but even against the respondent No.3 – Gulabdhhar Jotashiprasad Mishra. 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 tendered a self attested photocopy of the aadhar card of the respondent No. 2. The same is taken on record. 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. Considering the nature of dispute, the amicably settlement between the parties, 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.

8. The petition is accordingly allowed and the FIR bearing C.R. No. 135 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.332/PW/2021, are quashed and set-aside.

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

10. The petitioner Nos. 2 to 4, to deposit a sum of Rs. 15,000/- (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.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

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

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.