

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

CRIMINAL WRIT PETITION NO.4518 OF 2022

- | | | |
|----|-------------------------------|----------------|
| 1. | Laxmidevi Gopikumar Singhania | |
| 2. | Shharad Gopikumar Singhania | |
| 3. | Amit Gopikumar Singhania | ...Petitioners |
| | Versus | |
| 1. | The State of Maharashtra | |
| 2. | Laxmi Lavkumar Singhania | ...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. 109 of 2019, registered with the Malabar Hill Police Station, Mumbai, for the alleged offences punishable under Sections 354, 354A, 498A, 506(2) 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 mother-in-law of the respondent No.2 and the petitioner Nos.2 and 3 are the brothers-in-law of the respondent No.2. The respondent No.2 has alleged that she was ill-treated/ harrassed by the petitioners. The respondent No.2 has also alleged that the petitioners Nos.2 and 3 outraged her modesty, 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.171/PW/2021.

5. Apart from the aforesaid CR, there are several cases registered *inter se* between the parties, who are related to each other. During the pendency of the aforesaid proceeding and all other proceedings, the parties who are *inter se* related settled their dispute and accordingly entered into a Family Settlement Deed dated 10th August 2022. In view of the amicable settlement, the respondent No.2 does not wish to proceed against the petitioners. The said Family Settlement Deed, which is at Exhibit – ‘B’, on page 157 of the petition, set out the terms of settlement that has been arrived at between the parties.

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.

The said affidavit is at Exhibit – ‘E’, page 197 of the petition. In the said affidavit, the respondent No.2 has stated that the dispute has been amicably settled with the petitioners who are related to her and that the parties have entered into a Family Settlement Deed, pursuant to the amicable settlement between the parties. 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 relations 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. 109 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.171/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 and 3 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.

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.