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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 12 OF 2022 (Sr.No.911)**

Nikhil N. Chintamani ... Applicant
V/s.
State of Maharashtra and anr. ... Respondents

Mr. Amol B. Jagtap for the Applicant.
Mrs. A.S. Pai, PP for the Respondent No.1 – State.
Ms Tanvi Tapkir for Respondent No.2.

**AND
CRIMINAL APPLICATION NO. 472 OF 2022 (Sr. No.913)**

Mrs. Nanda N. Chintamani ... Applicant
V/s.
State of Maharashtra and anr. ... Respondents

Mr. Ashok B. Tajane a/w. Mr. Amol B. Jagtap for the Applicant.
Mrs. M.H. Mhatre, APP for the Respondent No.1 – State.
Ms Tanvi Tapkir for Respondent No.2.

**CORAM : NITIN JAMDAR &
N.R. BORKAR, JJ.**

DATE : 26 AUGUST 2022.

P.C.

. Both these applications under Section 482 of Code of Criminal Procedure, 1973 are filed to quash one and the same First Information Report No.0298 of 2021(hereinafter referred to as

“FIR”, for short) dated 28 September 2021 registered at Vishram Baug Police Station, Sangli against the Applicants for the offences punishable under Sections 498(A), 323, 504 read with 34 of Indian Penal Code and the criminal case bearing R.C.C. No. 24 of 2022 pending on the file Judicial Magistrate First Class, Sangli arising out of said FIR.

2. The aforesaid crime came to be registered at the instance of Devyani Nikhil Chintamani, who is Respondent No.2 in both these applications. Respondent No.2 has alleged that she was subjected to mental and physical cruelty at the hands of her husband and in-laws. The Applicant in Criminal Application No.12 of 2022 is the husband of Respondent No.2 and the Applicant in Criminal Application No.472 of 2022 is mother-in-law of the Respondent No.2.

3. The learned Counsel for the Applicants and the learned Counsel for Respondent No.2 jointly submit that the parties have amicably settled the dispute. It is submitted that no purpose would be served by keeping the prosecution alive, in view of the settlement arrived at between the parties. The learned Counsel for the parties submit that the present case is squarely covered by the law laid down by the Hon’ble Supreme Court in the case of *Gian Singh vs. State of Punjab*¹.

1 (2012) 10 SCC 303

4. This Court on 11 July 2022 passed the following order :

“Criminal Application No.472/2022 is not on board. Mediation report is received in Criminal Application No.12/2021 stating that the Applicant and Respondent No.2 have amicably settled the matter. The learned counsel for the parties state that the consent affidavit will be filed in the Registry and after all compliance is done, will circulate the matter again. Granting the liberty to do so, remove from the board.”

5. The Respondent No.2 has accordingly filed the consent affidavit dated 24 August 2022. Respondent No.2 has stated that in view of consent terms dated 1 July 2022 she has no objection if the FIR in question and the criminal case are quashed in view of the settlement arrived at between the parties.

6. The Hon’ble Supreme Court in the case of *Gian Singh (supra)* has held :

“But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of criminal case would put the accused to great oppression and prejudice and extreme injustice would

be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim.”

7. We have examined the facts of the present case in the light of law laid down by the Hon'ble Supreme Court in *Gian Singh's* case. The main reason for filing of the FIR appears to be matrimonial dispute. The allegations are totally of personal in nature. In view of the settlement between the parties, Respondent No.2 is not going to support the prosecution case and therefore, possibility of conviction is remote and bleak. Nothing fruitful will therefore come out of the prosecution in question. Apart from it, if the criminal case in question is not quashed, the settlement arrived at between the parties would be disrupted. Considering these facts and circumstances, both the Criminal Applications deserve to be allowed and same are allowed. Consequently, the FIR No.0298 of 2021 dated 28 September 2021 registered at Vishram Baug Police Station, Sangli against the Applicants for the offences punishable under Sections 498(A), 323, 504 read with 34 of IPC and the criminal case bearing R.C.C. No. 24 of 2022 pending on the file Judicial Magistrate First Class, Sangli are quashed and set aside.

8. Both Criminal Application are disposed of.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)