

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3830 OF 2022

Parvati Soneji Bhatia

...Petitioner

Versus

1. The State of Maharashtra

2. Kishore Gordhandas Bhatia

...Respondents

Mr. Sanjay Bhatia for the Petitioner.

Mr. J.P.Yagnik, A.P.P for the Respondent-State.

Ms. Firdous Moosa i/b Mr. B.S. Shetty for the Respondent No.2.

**CORAM : REVATI MOHITE DERE &
S. M. MODAK, JJ.**
DATE : 21st OCTOBER, 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. Firdous Moosa

waives notice on behalf of the respondent No.2.

3. By this petition, the petitioner seeks quashing of the FIR bearing C.R. No. 374 of 2015 registered with the Kandivali Police Station, Mumbai, for the alleged offences punishable under Sections 324 and 504 of the Indian Penal Code. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. Perused the papers. The aforesaid C.R. is an out-come of a matrimonial dispute between the petitioner and her husband – Milan Navin Bhatia. It appears that there are several cases registered between the parties i.e. the petitioner and her husband - Milan. According to the respondent No.2, the incident took place on 6th October, 2015 at about 6.10 p.m., when he went to resolve a quarrel between his sisters and the petitioner. It is alleged by the respondent No.2, that the petitioner assaulted him with a phone and injured his left eye and thereafter, bit his middle finger. Pursuant to the said incident, the respondent No.2 lodged the aforesaid FIR alleging offences punishable under Sections 324 and 504 of the Indian Penal

Code. After investigation, chargesheet was filed in the said case and the case is presently pending before the learned Metropolitan Magistrate, 17th Court, at Borivali, Mumbai.

5. It appears that during the pendency of the aforesaid proceeding, Consent Terms were entered into between the petitioner and her husband - Milan Navin Bhatia. The said Consent Terms are at annexure 'B' on page 25 of the petition. One of the term of the said Consent Terms is, that the respondent No.2 gives his no objection to the quashing of the complaint registered at his behest as against the petitioner. We may note that pursuant thereto, the learned Magistrate has dropped only section 504 in view of the Consent Terms entered into between the parties, being a compoundable offence. Learned Counsel for the respondent No.2 has tendered a consent affidavit of the respondent No.2 dated 19th October, 2022, duly affirmed before the Notary. To the said affidavit, is annexed a xerox copy of the aadhar card, duly attested by the respondent No.2. The said Consent Affidavit is taken on record. In the said Consent Affidavit, the

respondent No.2 has given his no objection to the quashing of the FIR being C.R. 374 of 2015 registered with the Kandivali Police Station, Mumbai, in view of the amicable settlement between the parties.

6. The respondent No. 2 is present in Court. On questioning, he re-iterates what is stated by him in his affidavit. The respondent No.2 has been identified by his lawyer and the learned APP has also verified the original aadhar card of the respondent No.2.

7. Considering the nature of dispute, the amicable settlement between the parties, the Consent Terms entered into between the petitioner and her husband, 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

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

C.R. No. 374 of 2015 registered with the Kandivali Police Station, Mumbai and consequently, the proceeding arising from the said C.R. i.e. C.C.No. 920/PW/2019 pending before the 17th Metropolitan Magistrate Court, Borivali, Mumbai, are quashed and set-aside.

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

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

S. M. MODAK, J.

REVATI MOHITE DERE, J.