

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2 OF 2022

Mangilal Raymalji Jain And Ors. .. Applicants
v/s.
The State of Maharashtra & Anr. .. Respondents
....

Ms. Supriyanka Gyanchand Maurya, for the Applicants.

Mrs. S.D. Shinde, APP, for State.

Mr. Chandrashekhar Yadav, for Respondent No.2.

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

DATE : 21 JUNE 2022.

P.C:-

By this application, the Applicants are seeking to quash the C.R. No.750/21/FIR lodged by Respondent No.2 under Section 498A, 323, 504, 506 read with 34 of I.P.C.

2. Applicant No.1 is the husband of Respondent No.2, Applicant No.2 is the father-in-law, Applicant No.3 is the mother-in-law and Applicant Nos. 4 and 5 are sisters-in-law of Respondent No.2-Complainant.

3. Respondent No.2-Complainant filed the FIR alleging that she was subjected to physical and mental cruelty and the demands of dowry. The learned Counsel for the Applicants and Respondent No.2 state that the parties have amicably resolved the dispute. The Applicant husband has made statements in the consent terms that he will provide financial security to Respondent No.2 and even will transfer the properties, which are in his name. Applicant No.1 has executed gift deed in favour of Respondent No.2 in respect of the property quoted below:

“95/97, Virji Vasant Chawl, Room No.09, 2nd Floor, S.P. Road, 7th Cross Lane, Kamathipura, Mumbai Central, Mumbai – 400 008.”

The learned Counsel for Respondent-Complainant confirms that gift deed has been executed. Respondent No.2 has filed an affidavit stating that the dispute is resolved and she is deposing without any force.

4. The learned Counsel for Respondent No.2-Complainant states that Respondent No.2 is present in the Court and the learned Counsel for Respondent No.2, on instructions, reiterates the statements made by Respondent No.2 on affidavit. Upon interaction with Respondent No.2, she has informed that she has entered into consent terms as the matter is settled and both, the Respondent No.2 and her husband, are now residing together.

5. In light of these consent terms and the affidavit filed, it is clear that the offence, which was result of a domestic/matrimonial dispute, can be quashed by consent of the parties, even though the cognizable offence is made up in light of the law laid down by the Supreme Court. If the FIR is not quashed, it will result in disharmony in the family and will disrupt the settlement arrived at. Also in view of the statements made and consent terms filed, it may not result in conviction. Thus case is made out for grant of relief in this application.

6. Accordingly the application is allowed in terms of prayer clause (b) as under:

“(b) That this Hon’ble Court be pleased to be quash and set aside C.R. No.750 of 2021 registered with Samtanagar Police Station, Mumbai.”

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)