

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

CRIMINAL WRIT PETITION NO.4752 OF 2022

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|----|-------------------------------|----------------|
| 1. | Sushvi Ramashankar Dubey | |
| 2. | Rani Sriman Narain Pandey | |
| 3. | Sriman Narain Pandey | ...Petitioners |
| | Versus | |
| 1. | The State of Maharashtra | |
| 2. | Ramashankar Shambhunath Dubey | ...Respondents |

Mr. Chandrakant Patil, for the Petitioners.

Ms. P. P. Shinde, A.P.P for the Respondent No.1– State.

Mr. R. R. Tripathi a/w Mr. S. M. Pandey, for the Respondent No.2.

***CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.***

DATE : 22nd 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. Mr. Tripathi 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.853 of 2018, registered with the Lonikand Police Station, Pune (Rural), for the alleged offences punishable under Sections 454, 457 and 380 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 wife of the respondent No.2 and the petitioner Nos.2 and 3, the mother-in-law and father-in-law respectively of the respondent No.2. According to the respondent No.2 (original complainant), he got married to the petitioner No.1 on 23rd November 2017. The respondent No.2 has alleged that the petitioner No.1 left the house in February 2018, after which both of them were not in touch with each other. The respondent No.2 has alleged that on 28th May 2018 at 3:30 p.m. the

petitioners came to his house, knocked the door, however, his mother did not open the door as she was alone in the home. He has stated that at about 5:30 p.m., he returned and that he and his mother locked the house and went to a Mall and returned at about 9:45 p.m., when they saw the petitioner No.2 standing near the lift on the ground floor. It is alleged by the respondent No.2 that a quarrel ensued between him and his mother on one hand and the petitioner No.1 on the other. He has further stated that pursuant to the said incident, he and his mother went to his aunt's house at Lohegaon, Pune and returned on the next day. He has stated that on return they found that some of the household items were not in order and that certain gold and silver items were found missing as well as some documents and as such the articles worth Rs.3,20,000/- were found missing from the house. Pursuant thereto, he lodged the aforesaid complaint/FIR, as against the petitioners. Apart from the petitioners, the respondent No.2 had also made allegations as against 3 other persons i.e. Pushpanjali Mishra, Mrs. Madhavi Pardeshi and Ms. Anjula Jaiswal, all advocates. Admittedly, charge-sheet has not

been filed in the said case.

5. In the interregnum, during the pendency of the investigation of the aforesaid case, the parties amicably settled their dispute and as such entered into consent terms. The said consent terms were filed in the Family Court at Pune in a petition seeking divorce by mutual consent under Section 13B of the Hindu Marriage Act. The said consent terms are at Exhibit – 'D' on page 69 of the petition. From the said consent terms, it appears that the parties have amicably settled their dispute and the respondent No.2 has agreed to pay a sum of Rs.18 lakhs to the petitioner No.1, by way of full and final settlement. We are informed the said amount of Rs.18 lakhs has been paid to the petitioner No.1. As per the consent terms, the petitioner No.1 was to withdraw the proceedings initiated by her as against the respondent No.2 and his family members and others. We are informed that the Family Court, Pune has passed a decree of divorce by mutual consent and as such dissolved the marriage of the parties i.e. the respondent No.2 and the petitioner No.1.

6. Learned Counsel for the respondent No.2 has tendered an affidavit of the respondent No.2 dated 21st December 2022 duly notarized before the notary. To the said affidavit is annexed a self attested photocopy of the aadhar card of the respondent No. 2. The said affidavit is taken on record. In the said affidavit, the respondent No.2 has stated that the dispute has been amicably settled between the parties and that the parties had agreed to put a quietus to their dispute. In the said affidavit, the respondent No.2 has stated that the marriage is dissolved by mutual consent and as such he has no objection to the quashing of the proceeding initiated at his behest. He does not dispute that consent terms are entered into between the parties. Respondent No. 2 is present in Court. On being questioned, he re-iterates what is stated by him in his affidavit. The respondent No.2 has given his no objection to the quashing of CRs as against all the persons mentioned in the FIR. 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 amicable settlement 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 and Another*¹ and *Narinder Singh and Others vs. State of Punjab and Another*², there is no impediment in allowing the petition.

8. The petition is accordingly allowed and the FIR bearing C.R. No.853 of 2018, registered with the Lonikand Police Station, Pune (Rural), is quashed and set-aside.

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

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.

¹ (2012) 10 SCC 303

² (2014) 6 SCC 466