

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

CRIMINAL APPLICATION NO.1693 OF 2019

1. Ishika Awadhesh Singh
Aged about 29 years,
occ. Housewife,
Residing at Flat No.502, RG No.222
Shivpuri Colony, Nagwa,
Dist. Varanasi, Uttar Pradesh

2 Amitkumar Awadesh Singh
aged about 32 years,
occ. Service
Residing at House No.1, Jiley Colony,
Sarai Shawaja, Dist. Faridabad,
Haryana

... Applicants

Versus

1 The State of Maharashtra
through office of Chief Public Prosecutor
having office at PWD Building, High Court,
Bombay

2 Sweety Abhisekh Singh
Aged about 28 years,
Occ. Service,
Residing at-203/E, Sanghavi Tower,
Hatkesh, Mira Road, Dist. Thane,
Maharashtra
(Original Complaint)

... Respondents

Mr. Princekumar Dubey for the for the Petitioner.
Mr. K.V. SASTE, APP for Respondent No.1-State.
Mrs. Shivangi J. Rajak for Respondent No.2.

**ALONG WITH
CRIMINAL APPLICATION NO.1204 OF 2021**

1. Abhisekh Kumar Awadhesh Sing

aged about 36 years,
occ. Service.

2. Neelam Awadhesh Singh
aged about 55 years,
occ. Housewife,
both residing at Flat No.502,
R.G. No.222, Shivpuri Colony,
Nagwa, Varanasi, Uttar Pradesh ... Applicants

Versus

1 The State of Maharashtra
through office of Chief Public Prosecutor
having office at PWD Building, High Court,
Bombay

2 Sweety Abhisekh Singh
Aged about 30 years,
Occ. Service,
Residing at-203/E, Sanghavi Tower,
Hatkesh, Mira Road, Dist. Thane,
Maharashtra
(Original Complaint) ... Respondents

Mr. Princekumar Dubey for the for the Petitioner.
Mrs. S.D. Shinde, APP for Respondent No.1-State.
Mrs. Shivangi J. Rajak for Respondent No.2.

**CORAM : PRASANNA B. VARALE &
S. M. MODAK, JJ.**

DATE : 18 APRIL, 2022

P. C. :

. The two Applicants in Criminal Application No.1693 of 2019 are sister and brother. Whereas, two Applicants in Criminal Application No.1204 of 2021, are the son and the mother. In other words, the Applicant Neelam is the mother of the Applicant Ishika, Amitkumar and Abhisekh. Application No.1693 of 2019 is a quashing application filed on

merits, whereas Application No.1204 of 2021 is a quashing application by consent of first informant-Respondent No.2.

2 Respondent No.2-Sweety filed a complaint with Kashimira Police Station, Thane Rural on 13 February 2019. An offence under Sections 498-A, 406, 323, 504, 506 read with 34 of the Indian Penal Code was registered against all these Applicants. Respondent No.2-Sweety married with Applicant Abhishekkumar on 28 February 2017 at Varanasi, Uttar Pradesh. The parents of Respondent No.2 gifted articles and paid money to Applicant Abhisekh. Still he and his relatives were not happy. Time and again they taunted Respondent No.2 on account of giving dowry. Her honeymoon was also not smooth. Finally, she was driven out of the house on 5 April 2018. Accordingly, she lodged complaint with Kashimira Police Station on 9 January 2019 and offence came to be registered against husband, mother-in-law, brother-in-law and sister-in-law.

3 There were also other cases including proceeding under Domestic Violation Act. So also there is an offence registered at Police Station Lanka, District Varanasi under Sections 323, 452, 504 of the Indian Penal Code. Initially, the Applicants Ishika and Amitkumar filed Application No.1693 of 2019. During pendency of all these proceedings, parties have decided to settle their disputes. There was a quashing petition before the High Court of Allahabad bearing No.3588 of 2019. There was a mediation and parties have entered into settlement agreement dated 17 December 2020.

4 Both the spouses have decided to separate their marital tie and to take divorce by mutual consent. The Applicant Abhisekh has agreed to pay Rs.15,00,000/- to Respondent No.2 towards permanent alimony.

Out of which, Rs.7,50,000/- is already paid and remaining amount will be paid at the time of final judgment of Family Court at Varanasi. This amount also includes stridhan also.

5 The parties have decided to withdraw cases filed by them against each other. That is how Respondent No.2 has filed consent affidavit thereby reiterating terms of settlement and giving consent for quashing.

6 As parties have settled their disputes, we do not find any reason to keep the criminal proceedings pending. The proceedings will come in their way of living fresh life. Hence, we are inclined to quash the proceedings by exercising power under Section 482 of the Criminal Procedure Code. Hence, Order.

: ORDER :

- (i) Criminal Application Nos.1693 of 2019 and 1204 of 2021 are allowed.
- (ii) FIR No.I-100 of 2019 with Kashimira Police Station for the offences punishable under Sections 498-A, 406, 323, 504 and 506 read with 34 of the Indian Penal Code is quashed and set aside.
- (iii) If any charge-sheet is filed on the basis of that FIR, that charge-sheet be also quashed and set aside.
- (iv) Both Criminal Applications are disposed of.