

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

CRIMINAL APPLICATION NO. 1240 OF 2022

1. Lovel Jitendra Jain
2. Jitendra Jain
3. Sushma Jitendra Jain ... Applicants

Versus

1. Mrs. Smriti Jain
2. The State of Maharashtra ... Respondents

Mr. Santosh Singh, for the Applicants.

Mr. Shamish Marwadi i/b Mr. Sunny Waskar, for the Respondent No.1.

Mr. J. P. Yagnik, APP for the Respondent No.2– State.

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

DATE : 8th DECEMBER, 2022.

P.C. :

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 Counsel Mr. Shamish Marwadi waives notice on behalf of the respondent No.1 (original complainant) and the learned A.P.P waives notice on behalf

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of the respondent No.2–State.

3 By this application, preferred under Section 482 of the Code of Criminal Procedure, 1973, the applicants seek quashing of the FIR, bearing C.R.No. 169 of 2019, registered with the Borivali Police Station, Mumbai, at the behest of the respondent No.1, for the alleged offences punishable under Sections 498-A, 406, 323, 504, 506 r/w 34 of the Indian Penal Code. Quashing is sought on the premise, that the parties have amicably settled their dispute.

4 Perused the papers. The applicant No.1 is the husband of respondent No. 1 and the applicant Nos. 2 and 3 are the mother-in-law and the father-in-law of the respondent No.1, respectively.

5 It appears that the applicant No.1 got married to the respondent No.1 on 18th October, 2015, as per the Hindu rites and rituals. From the said marriage, the couple has a child, aged six years. Since, according to the respondent No.1, post marriage she was allegedly ill-treated and harassed by the applicants, she lodged the aforesaid FIR, as against the applicants alleging the aforesaid offences. Admittedly, charge-sheet has not been filed in the said

C.R.

6 It appears that during the pendency of the investigation of the aforesaid C.R., the parties decided to amicably settled their dispute. Accordingly, the applicant No.1 and the respondent No.1 filed a Petition in the Court of the learned Additional Principal Judge, Family Court, Jammu, being Matrimonial Case No. 4092 of 2021 seeking dissolution of marriage by mutual consent under Section 13-B of the Hindu Marriage Act.

7 Learned Counsel for the respondent No.1 has tendered an affidavit of the respondent No.1 dated 6th December, 2022 duly notarized before the Notary. To the said affidavit is annexed a self attested photo copy of the Adhar Card of the respondent No.1. The said affidavit is taken on record. In the said affidavit, the respondent No.1 has stated that she has amicably settled the dispute with the applicants, and, that the parties, i.e. the applicant No.1 and the respondent No.1, have filed a Petition seeking dissolution of their marriage before the learned Additional Principal Judge, Family Court, Jammu. She has further stated that one of the conditions

stipulated is that all Civil and Criminal cases will be withdrawn by her (respondent No.1) within a period of 45 days, of the applicant No.1 depositing the cheque of Rs.25 lakhs. We are informed that the applicant No.1 has deposited the said cheque in the Family Court at Jammu.

8 The respondent No.1 is present in person before the Court. On being questioned, she re-iterates what is stated by her in her affidavit. She states, that she has no objection to the quashing of the said FIR, initiated at her behest. The respondent No.1 has been identified by her Counsel and the learned APP has verified the original Adhar Card of the respondent No.1.

9 Considering the nature of dispute, the relations between the parties, the amicable settlement between the parties, the affidavit of the respondent No.1 and having regard to the judicial pronouncements of the Apex Court in the case **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 Application.

¹ (2012) 10 SCC 303

² (2012) 10 SCC 303

10 The Application is accordingly allowed and the FIR bearing C.R.No. 169 of 2019, registered with the Borivali Police Station, Mumbai, as against the applicants is quashed and set-aside.

11 Rule is made absolute in the aforesaid terms. Application is disposed of accordingly.

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.