

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

CRIMINAL WRIT PETITION NO.5004 OF 2018

1. Amit Baburao Rane
 2. Baburao Suka Rane
 3. Nalini Baburao Rane
 4. Tejasvini Kolhe
 5. Charushila Mahajan
 6. Amit Mahajan ...Petitioners.
- Versus
1. The State of Maharashtra
 2. Sujata Rane ...Respondents

Mr. Shantanu R. Phanse, for the Petitioners.

Mr. K. V. Saste, A.P.P for the Respondent No.1– State.

Mr. Mohammed Ayub Shaikh, for the Respondent No.2.

***CORAM : REVATI MOHITE DERE &
R. N. LADDHA, JJ.***

DATE : 21st NOVEMBER 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. Shaikh waives

notice on behalf of the respondent No.2.

3. Although the petition is filed for quashing on merits, it is submitted that during the course of the pendency of the petition, the parties amicably settled their dispute and as such the petitioners are now seeking quashing of the proceeding with the consent of the respondent No.2.

4. By this petition, the petitioners seeks quashing of the FIR bearing C.R. No. 326 of 2018 registered with the Hinjewadi Police Station, Pune, for the alleged offence punishable under Section 498A of the Indian Penal Code. Quashing is sought on the premise, that the parties have amicably settled their dispute.

5. Perused the papers. The petitioner No.1 is the husband of the respondent No.2, the petitioner Nos.2 and 3, the in-laws, the petitioner Nos.4 and 5, the sisters-in-laws of the respondent No.2 respectively and the petitioner No.6, the brother-in-law of the

petitioner No.1. According to the respondent No.2, she got married to the petitioner No.1 on 20th May 2011, as per Hindu rites and rituals. After marriage, the respondent No.2 started residing at her matrimonial home. As according to the respondent No.2, the petitioners were harrassing and ill-treating her, she filed the aforesaid FIR, as against the petitioners, alleging the aforesaid offence. After investigation, charge-sheet was filed in the said case and presently the case is pending before the learned Judicial Magistrate First Class, Shivajinagar, being R.C.C. No. 2209 of 2019.

6. In the interregnum, during the pendency of the aforesaid proceeding, the parties amicably settled their dispute and entered into consent terms. Learned Counsel for the respondent No.2 has tendered the Consent Terms entered into between the parties, dated 21st November 2022, duly affirmed before the Notary. Both the parties, i.e. the petitioner No.1 and the respondent No.2 have signed the said Consent Terms alongwith their respective advocates. As per the Consent Terms, the petitioner No.1 has paid a sum of Rs.21 lakhs to

the respondent No.2, as and by way of full and final payment towards permanent maintenance and alimony. Learned counsel for the respondent No.2, on instructions of the respondent No.2, who is present in Court, acknowledges the receipt of the said amount. From the consent terms, it appears that both the parties have agreed to co-operate for withdrawal and/or quashing of the FIR i.e. C.R. No.287 of 2018, registered with the Kapurbawdi Police Station, Thane, as against the respondent No.2 herein. The said consent terms are taken on record. Alongwith the said consent terms, the learned counsel for the respondent No.2 has also tendered an affidavit of the respondent No.2 giving her no objection for quashing of the aforesaid C.R. registered with the Hinjewadi Police Station, Pune. 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 she has no objection to the quashing of the aforesaid C.R. initiated at her behest. On being questioned, she re-iterates what is stated by her in her affidavit. She states that she has received the lumpsum amount of Rs.21 lakhs as

well as her streedhan. She states that she as no objection to the quashing of the FIR, provided the petitioner No.1 complies with the undertaking given by him, as set out in the consent terms. 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 relations between the parties, the consent terms entered into between them, 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. 326 of 2018 registered with the Hinjewadi Police Station, Pune, is quashed and set aside and consequently the proceeding

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

pending before the learned Judicial Magistrate First Class, Shivajinagar, being R.C.C. No. 2209 of 2019, is also quashed and set-aside, subject to the parties adhering to the terms and conditions, as stipulated in the consent terms.

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

10. Learned Counsel for the respondent No.2 undertakes to file his Vakalatnama, on behalf of the said respondent, in the registry within two weeks from today. Statement accepted.

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

R. N. LADDHA, J.

REVATI MOHITE DERE, J.