

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO.801 OF 2022

{Aaksh S/o. Kewal Sawlani and Ors. **..Vrs..** State of Maharashtra and
Anr.}

WITH

CRIMINAL APPLICATION (APL) NO.1190 OF 2019

{Smt. Rinku W/o. Adesh Gupta and Anr. **..Vrs..** The State of
Maharashtra and Anr.}

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri S. D. Dewani, Advocate for Applicants/Appellants.
Shri S. M. Ghodeswar, APP for the Respondent no.1/State.
Shri H. R. Gadhia, Advocate for the Respondent no.2.

CORAM : MANISH PITALE AND
VALMIKI SA MENEZES, J.J.

DATE : 25th JULY, 2022.

. These two applications have been filed by the husband, father-in-law, mother-in-law, sister-in-law and her husband in the context of the criminal proceedings initiated by the respondent no.2 i.e. the wife of the applicant no.1 in Criminal Application (APL) No.801 of 2022.

2. On the basis of the report submitted by respondent no.2, First Information Report (FIR) bearing Crime No.0358 of 2019 dated 18.06.2019 was registered against the aforesaid accused persons for offence under Section 498-A read with Section 34 of the Indian Penal Code and Section 3 of the Dowry Prohibition Act, 1961.

3. The dispute arose out of matrimonial discord and differences. With passage of time, the disputes appear to have been resolved, as a consequence of which, consent terms dated 08.06.2022, were placed before the Court of Judicial Magistrate First Class at Nagpur. In terms of the said settlement, the respondent no.2 (wife) agreed to receive an amount of Rs.30,00,000/- (Thirty Lakhs only) as permanent alimony towards full and final settlement of all her claims and the said respondent and the applicant (husband) agreed to file for divorce by mutual consent. The respondent no.2 (wife) also agreed to withdraw a proceeding initiated by her under the Protection of Women from Domestic Violence Act, 2005.

4. We are informed that the proceeding has been indeed withdrawn. We are also informed that an amount of Rs.15,00,000/- (Fifteen Lakhs Only) is already paid to the respondent no.2 (wife) and that the balance amount would be paid upon the divorce decree being passed by mutual consent.

5. In the backdrop of the aforesaid subsequent events, the parties have approached this Court in these applications seeking quashing of the FIR on the basis of the settlement of disputes.

6. In the case of Gian Singh ..Vrs.. State of Punjab and another, 2012 (10) SCC 303, the Hon'ble Supreme Court laid down the law as regards the categories of cases in which, quashing of FIR would be permitted on the basis of compromise entered into between the parties. Matrimonial disputes have been specifically identified as one such category in *Gian Singh ..Vrs.. State of Punjab and another* (supra). Such disputes have been distinguished from criminal cases involving bodily injuries and other serious offences. The said judgment has been followed in the case of Narinder Singh and others ..Vrs.. State of Punjab and another, 2014 (6) SCC 466, and FIRs in similar circumstances have been directed to be quashed.

7. On the basis of the material placed on record, we are satisfied that the dispute, essentially being of matrimonial nature, has now been finally settled between the parties and that they have agreed to abide by the terms of settlement. All the applicants except applicant no.3 in Criminal Application No.801 of 2022 are present in Court and so is the respondent no.2 i.e. the complainant. They vouched for the correctness of the consent terms placed on record before the Magistrate and they also submit that the terms of the settlement would be followed to the hilt.

8. In view of the above, this Court is satisfied that the present applications can be allowed. Accordingly, the present applications are **allowed** and the FIR bearing

Crime No.0358 of 2019 dated 18.06.2019 registered at
Lakadganj Police Station, District Nagpur stands quashed.
Applications stand disposed of.

(VALMIKI SA MENEZES, J.) (MANISH PITALE, J.)

TAMBE