

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

CRIMINAL WRIT PETITION NO.734 OF 2020

1. Pankaj Ramkishan Gupta
 2. Sita Ramkishan Gupta
 3. Kamlesh @Rajesh Ramkishan Gupta
 4. Ajay @Amit Ramkishan Gupta
 5. Shivkumar Chhedilal Gupta
 6. Suraj Prabhunarayan Gupta
 7. Aarti @Kusum Suraj Gupta
 8. Nootan Chhedilal Gupta ...Petitioners
- Versus
1. State of Maharashtra
 2. Pooja Pankaj Gupta @
Pooja Ramprakash Gupta ...Respondents

Mr. Q. S. Kapasi, for the Petitioners.

Mr. J. P. Yagnik, A.P.P for the Respondent No.1– State.

Ms. Pooja Pankaj Gupta @ Pooja Ramprakash Gupta, Respondent No.2 present in-person.

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

DATE : 9th JANUARY 2023

P.C. :

Mentioned out of turn.

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. Respondent No.2, who is present in-person waives notice.

3. By this petition, preferred under Article 226 of the Constitution of India and under Section 482 of the Code of Criminal Procedure, the petitioners seek quashing of the FIR bearing C.R. No. 612 of 2018, registered with the Tulinj Police Station, District – Palghar, for the alleged offences punishable under Sections 498A, 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 petitioner No.1 is the husband of the respondent No.2; the petitioner No.2, the mother-in-law; petitioner Nos.3, 4, 5 and 6, the brothers-in-law; petitioner No.7, the sister-in-law and petitioner No.8, the cousin mother-in-law respectively of the respondent No.2. It appears that the respondent

No.2 and the petitioner No.1 got married on 30th January 2015, after which the respondent No.2 started residing at her matrimonial home. As according to the respondent No.2, she was ill-treated and harrassed by the petitioners, she filed the aforesaid FIR as against them, alleging the aforesaid offences. After investigation, charge-sheet was filed in the said case and the case is presently pending before the learned Judicial Magistrate First Class, Vasai being RCC No.1245 of 2018.

5. During the pendency of the aforesaid proceeding, the parties amicably settled their dispute and decided to put a quietus to the same. It appears that after the filing of the aforesaid petition, the Family Court at Mumbai allowed the petition seeking divorce by mutual consent under 13B of the Hindu Marriage Act, filed by the petitioner No.1 and the respondent No.2. Learned counsel for the parties have tendered a photocopy of the Judgment and Order dated 1st June 2021, by which a decree of divorce by mutual consent was passed and the marriage between the parties was dissolved. The same

is taken on record.

6. Although, the advocate for the respondent No.2 is not present, the respondent No.2 is present in Court. The respondent No.2 states that she has filed an affidavit in this Court dated 24th March 2021, duly notarized before the notary. The said affidavit is at page 24 of the petition. Respondent No. 2 has tendered a self attested photocopy of her aadhar card. The same is taken on record. In the said affidavit, she has stated that she has received Rs.5 lakhs by way of full and final settlement from the petitioner No.1 and as such she has no objection for quashing of the proceeding initiated at her behest.

7. Respondent No. 2 is present in Court. On being questioned, she re-iterates what is stated by her in her affidavit. Learned Counsel for the petitioners has identified the respondent No.2 and the learned APP has verified the original aadhar card of the respondent No.2.

8. Considering the nature of dispute, the relations 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.

9. The petition is accordingly allowed and the FIR bearing C.R. No. 612 of 2018, registered with the Tulinj Police Station, District – Palghar, and consequently, the proceeding pending before the learned Judicial Magistrate First Class, Vasai being RCC No.1245 of 2018, are quashed and set-aside.

10. 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