

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 155 OF 2023

1. Sanjay Babulnath Pandey
 2. Pankaj @ Arvind Sanjay Pandey
 3. Priya Pankaj Pandey
 4. Anuj Sanjay Pandey
 5. Nirbhay Pandey
 6. Usha Pandey
 7. Juhi Pandey
 8. Aakansha Pandey
- ...Applicants

Versus

1. The State of Maharashtra
 2. Pooja Nirbhay Pandey
- ...Respondents

Mr. Deepak Shukla i/b BNS Legal for the Applicant.

Mr. Y.M.Nakhwa, A.P.P for the Respondent-State.

Ms. Stenna Fernandes for the Respondent No.2.

CORAM : REVATI MOHITE DERE &
S.G.DIGE, JJ.
DATE : 15th FEBRUARY, 2023

P.C. :

1. At the outset, learned Counsel for the applicants seeks leave to amend to implead four other co-accused as party applicants in

view of the amicable settlement between the parties. Leave granted. Amendment to be carried out forthwith during the course of the day. Learned Counsel for the respondent No.2 also has no objection if four other co-accused are permitted to be impleaded as party applicants.

2. Heard learned Counsel for the parties.

3. 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. Ms. Fernandes waives notice on behalf of the respondent No.2.

4. By this application, preferred under Section 482 of the Code of Criminal Procedure, the applicants seek quashing of the FIR bearing C.R. No. 607 of 2022 registered with the Tulinj Police Station, Palghar, for the alleged offences punishable under Sections 498A, 323, 504 r/w 34 of the Indian Penal Code. Quashing is sought on the premise that the parties have amicably settled their dispute.

5. Perused the papers. The applicant No.1 is the father-in-law of the respondent No.2, applicant Nos.2 and 4 are the brothers-in-law, applicant Nos.3,7 and 8 are the sisters-in-law, applicant No.5 is the husband and applicant No.6 is the mother-in-law of the respondent No.2, respectively. It appears that the applicant No.5 and the respondent No.2 got married on 15th May, 2019, after which, the respondent No.2 started residing in her matrimonial house. As according to the respondent No.2, she was allegedly ill-treated and harassed by the applicants, she lodged the aforesaid FIR as against the applicants alleging the aforesaid offences. Admittedly, chargesheet has not been filed in the said case, till date.

6. In the interregnum, during the pendency of the investigation of the aforesaid C.R., the parties amicably settled their dispute and decided to put a quietus to the same. Accordingly, the parties i.e. the applicant No.5 and the respondent No.2 entered into a mutual agreement dated 8th September, 2022. The said agreement is at Exhibit – D at page 30 of the application. The same has been

signed by the applicant No.5 and the respondent No.2. In the said agreement, it is decided that the parties would seek divorce by mutual consent and that the respondent No.2 will give her no objection to the quashing of the said FIR initiated at her behest.

7. Learned Counsel for the respondent No.2 has tendered an affidavit of the respondent No.2 dated 30th January, 2023, duly notarized before the Notary. To the said affidavit, is annexed a photocopy of the PAN card of the respondent No.2. In the said affidavit, the respondent No.2 has stated that she has no objection to the quashing of the FIR initiated at her behest.

8. Learned Counsel for the applicants, on the instructions of the applicants, states that the applicant No.5 will hand over a Demand Draft of Rs.3,50,000/- on the day of filing of the divorce proceeding under Section 13B of the Hindu Marriage Act. Statement accepted.

9. The respondent No.2 is present in person. On

questioning, she re-iterates what is stated by her in her affidavit. She states that she has received her stridhan and all her belongings and that she has no objection to the quashing of the FIR registered at her behest, subject to receiving Rs.3,50,000/- as set out in the agreement and as agreed by and between the parties. The respondent No.2 has been identified by her Counsel and the original Aadhar Card of the respondent No.2 is verified by the learned APP.

10. Considering the nature of dispute, relations between the parties, the amicable settlement between them, the affidavit of the respondent No.2 and the judicial pronouncements of the Apex Court in *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.

11. The application is accordingly allowed and the FIR bearing C.R. No. 607 of 2022, registered with the Tulinj Police Station, Palghar, is quashed and set-aside subject to the applicant No.5 handing

¹ (2012) 10 SCC 303

² (2014) 6 SCC 466

over valid a Demand Draft of Rs.3,50,000/- to the respondent No.2, as stated aforesaid.

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

13. Learned Counsel for the respondent No.2 to file his Vakalatnama, if not filed, on behalf of the said respondent, in the Registry, within two weeks of uploading of this order.

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

S.G.DIGE, J.

REVATI MOHITE DERE, J.