

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2133 OF 2021**

1. Raunak Shyam Sadarangani	]	
2. Shyam Sadarangani	]	
3. Chitra Sadarangani	]	Petitioners
Vs.		
1. The State of Maharashtra	]	
2. Neha Raunak Sadarangani	]	Respondents

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Mr. Vishal B. Jain, for Petitioners.

Mr. K.V. Saste, for Respondent No.1-State.

Mr. Amey Deshpande a/w Mr. Harsh Nisar, Ms. Vandana Bait and Niyati Sontakke, for Respondent No.2.

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**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, J.J.
DATE : 1st MARCH, 2023.**

ORDER: [Per Prithviraj K. Chavan, J.]:

1. Heard learned Counsel for the parties.
2. Rule.
3. Rule is made returnable forthwith. With the consent of the parties, the petition is taken up for final disposal.

(corrected in **bold** vide order dated 27th March, 2023)

4. Learned A.P.P waives notice on behalf of the respondent No.1-State and Mr. Deshpande, learned Counsel waives notice on behalf of the respondent No.2.

5. By this petition under Article 226 of the Constitution of India and under section 482 of the Code of Criminal Procedure, 1973 (for short “Cr. P.C”), the petitioners seek quashing of the First Information Report (for short “F.I.R”), bearing No.63 of 2020 registered with Oshiwara Police Station, Mumbai, for the alleged offences punishable under sections 498-A, 377, 504 and 506 of the Indian Penal Code (for short “I.P.C”). Quashing is sought on the premise, that the parties have amicably settled their dispute.

6. Briefly stated, facts are as under.

7. Marriage of petitioner No.1 and respondent No.2 took place on 11th July, 2019 at Four Bungalow Gurudwara. After their marriage, a locker was opened on 15th July, 2019 in the name of the respondent No.2 with Development Credit Bank, Lokhandwala, Andheri Branch where respondent No.2 had kept her jewellery. She had a bank account in Amaravati. Petitioners No.2 and 3 are the

parents-in-law of the respondent No.2. Petitioner No.1-husband of the respondent No.2 deals in the business of International Courier at Sydney, Australia. Petitioners and respondent No.2 were residing at Sydney, Australia. In the marriage, respondent No.2's parents gifted her gold ornaments, clothes as well as tickets of her in-laws and husband from India to Sydney, Australia. Respondent No.2's father had spent about Rs.60 to 65 lakhs. They reached Sydney, Australia on 16th July, 2019. After reaching Sydney, it is alleged that respondent No.2 was subjected to mental harassment by the petitioners. She was abused and tortured mentally on account of trifling household reasons. It is alleged that the petitioners subjected the respondent No.2 to mental torture owing to the reasons that her father had not gifted residential furniture. At times, the petitioners used to attack her with hands. She was prohibited from talking on phone with her parents. After her return to Mumbai, respondent No.2 apprised her parents about all the atrocities meted out to her by all the petitioners. When father of the respondent No.2 had been to Lokhandwala, Mumbai from Amravati, he was insulted and was driven from the house. As such, there are several allegations against the petitioners by the respondent No.2. Ultimately, a report came to be lodged against the petitioners by the

respondent No.2, as above.

8. A domestic violence case has also been filed in the Court of J.M.F.C, Amravati bearing Domestic Application No.114 of 2021. The parties have decided to give a quietus to the entire dispute. The respondent No.2 has sworn an affidavit dated 1st March, 2023 duly notarized before the Notary. In the said affidavit, the respondent No.2 has stated that she has no objection for quashing the F.I.R **and that all steps will be taken by her to have the marriage dissolved, mutually, in the petition bearing HMP No. F No.24 of 2023, filed by the parties i.e by the petitioner No.1 and the respondent No.2 in the Family Court at Amravati.** Terms and conditions of the settlement incorporated in the affidavit of the respondent No.2 are reproduced below:

" I, Mrs. Neha Laxmandas Khatri, Aged 34 Yrs, Indian Inhabitant, residing at R/at: Flat No.501, Icon Palace, Opposite Nagalkar Hospital, Shankar Nagar Road, Amravati the original Complainant in the F.I.R No.I-63/2020 registered with Oshiwara Police Station, Mumbai, do hereby solemnly state and affirm as follows:-

1. At the outset, I state and submit that I have received the copy of the Writ for quashing, filed by the Petitioner herein and being aware

of the facts and circumstances of the case, I am filing my consent Affidavit for quashing of the F.I.R as me and the Petitioner No.1 have mutually decided to dissolve our marriage by filing petition mutual consent before Family Court Amravati bearing H.M.P. No. F No.24 of 2023.

2. I say that at my instance Respondent No.1, i.e P.I. the Oshiwara Police Station, Mumbai has made the petitioners as an accused in C.R. No.63 of 2020 punishable U/s 498 (a), 377, 323, 506 and 504 of I.P.C.

3. I further state that initially, I have filed the consent terms before this Hon'ble Court but as the said affidavit was not properly drafted, with the intervention of this Hon'ble Court the parties have once again came together and finally it was decided between the parties that I will be entitled to all the gold articles (in total weighing 143.79 Grams) and 1 Silver articles lying in the Locker No.35, in DCB Bank, Lokhandwala, Andheri (W).

4. Further it was decided between the parties that one time settlement amount which is inclusive of one time permanent alimony, marriage expenses and amount in respect of remaining "Streedhan" has been increased from 28,00,000/- to 38,00,000/- out of which 28,00,000/- has already been deposited with Family Court Amravati and for the remaining amount of Rs.10,00,000/- which will be deposited by the Petitioner's in

my account with ICICI bank bearing No.696901506550, having IFSC:- ICIC0006969 (Branch:-Amravati) within 10 days from today, and this statement made by Petitioner No.2 on behalf of all the Petitioners will as undertaking before this Hon'ble Court.

5. I further states that, my certain documents including passport and medical records are lying with petitioners which are not traceable at present by the Petitioner's and therefore the Petitioner's are giving undertaking to this Hon'ble Court that they will never misuse the same if they are traced in future.

6. It was further agreed between the parties that any maternal, photographs, chats, materials which are in the custody of the respective parties the same will never be used by any person in future and this statement has also been made by the Petitioner No.2 for himself and other Petitioners and the said statement is given to this Hon'ble Court as an undertaking to this Hon'ble Court by all the Petitioners.

7. I further state that therefore now after receiving the aforesaid articles and amount, I do not have any grievance against the Petitioners, as we both have decided to move on in the life, therefore I am filing this affidavit in support of the Petition for quashing of FIR, which was filed at my instance as we have now mutually settled the dispute between me and Petitioners and

therefore, now we do not have any complaints against each other.

8. I further state that therefore I do not have any objection if this Petition of the Petitioners is made absolute as prayed by them thereby quashing the F.I.R bearing C.R. No.63 of 2020 punishable U/s 498 (a), 377, 323, 506 and 504 of the I.P.C. registered with Oshiwara Police Station.

9. I further say that, I am filing this affidavit on my own and without any coercion and without any pressure from anybody, I am filing this Affidavit in support of Petition as the dispute between me and my husband has been settled amicably. I have read this affidavit and I have correctly understood the contents which are as what I have instructed and it is true and correct therefore, I am signing and filling the same before the High Court".

9. Respondent No.2 is at liberty to operate the bank locker with further liberty to take out her belongings (streedhan) etc and then hand over the keys to the petitioners.

10. Respondent No.2 is present in person. On being questioned, she reiterates what is stated by her in her affidavit. Learned Counsel for the respondent No.2 has tendered photostat copy of the Aadhar

Card of the respondent No.2. It is taken on record. Learned Counsel for the respondent No.2 has identified the respondent No.2 and the learned A.P.P has verified the original Aadhar Card of the respondent No.2.

11. Considering the nature of the dispute, the amicable settlement between the parties, consent affidavit of the respondent No.2 and having regard to the judicial pronouncements of the Apex Court in the case of **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 petition.

12. The petition is accordingly allowed and the FIR bearing C.R. No.63 of 2020 registered with Oshiwara Police Station, Mumbai is quashed and set aside, subject to the following.

13. In addition to the amount i.e the amount increased from 28,00,000/- to 38,00,00,00/-, out of which, an amount of Rs.28,00,00,00/- has already been deposited with the Family Court, Amravati and an amount of Rs.10,00,000/- will be deposited in

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

Respondent No.2's account within 10 days from today (para 4 of the affidavit of the respondent No.2) In addition, the petitioners to also directly transfer an additional amount of Rs.4,00,000/- in the respondent No.2's account also within 10 days. The petitioner No.2, who appears in person assures to transfer Rs.10,00,000/- +Rs.4,00,000/- in respondent No.2's account.

14. On petitioners showing proof of transfer of Rs.14,00,000/- in the account of the respondent No.2, his bank accounts be defreezed and his passport be returned to him forthwith.

15. Matter be listed on **14th March, 2023** for compliance of a direction to deposit balance amount of Rs.14,00,000/- by the petitioners in the account of the respondent No.2.

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

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

[PRITHVIRAJ K. CHAVAN, J.]

[REVATI MOHITE DERE, J.]