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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1765 OF 2023**

1. Sanmesh D. More
 2. Deepali D. More
- ...Petitioners

Versus

1. State of Maharashtra
 2. Pranita S. More
- Nee Miss Pranita M. Bamane
- ...Respondents

Mr. Hemen Thakkar a/w. Ms. Shraddha Jadhav and Ms Rohini Khedekar for the Petitioners.
Ms M.M. Deshmukh, APP for the Respondent/State.
Respondent No.2 in person present.

**CORAM : NITIN W. SAMBRE &
N. R. BORKAR, JJ.**

DATE : 13 OCTOBER, 2023.

PC:-

The present petition under Articles 226 & 227 of the Constitution of India read with Section 482 of Code of Criminal Procedure, 1973 is filed to quash the First Information Report No. 252 of 2020 dated 11 June 2020 registered at Bhandup Police Station, Mumbai for the offences punishable under Sections 498-A, 406, 323, 504 read with 34 of Indian Penal Code and the criminal case arising out of said FIR being Criminal Case No. 307/PW/2021 pending on the file of Metropolitan Magistrate, 53rd Court, Mumbai.

2. The aforesaid crime came to be registered against the petitioners at the instance of respondent No.2/complainant, who has *inter alia* alleged that she was subjected to mental and physical cruelty at the hands of the petitioners, who are her husband and mother-in-law respectively.

3. The quashing of FIR is sought on the ground that there has been an amicable settlement between the parties and respondent No.2 is no longer desirous of prosecuting the case in question.

4. The learned counsel for the petitioners and the respondent No.2 jointly submit that the parties have amicably settled the dispute. It is submitted that the parties have filed the consent terms in the petition filed for divorce before the Family Court at Bandra. It is submitted that no purpose would be served by keeping the prosecution alive, in view of the settlement arrived at between the parties. The learned counsel for the parties submits that present case is squarely covered by the law laid down by the Hon'ble Supreme Court in the case of ***Gian Singh vs. State of Punjab***¹.

5. The respondent No.2, who is personally present in the Court, confirms about the settlement arrived at with the petitioners, and the contents of the affidavit dated 6 October 2023 filed by her, wherein she has stated that she has no objection if the criminal case in question against the petitioners

1 (2012) 10 SCC 303

is quashed.

6. The Hon'ble Supreme Court in the case of *Gian Singh (supra)* has held :

"But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim."

7. The main reason for filing of FIR by respondent No.2 appears to be matrimonial discord. The allegations are totally personal in nature. Even otherwise in view of the settlement between the parties, the respondent No.2 is not going to support the prosecution case. Thus, nothing fruitful will come out of the prosecution in question. The dictum in *Gian Singh's* case is squarely applicable to the facts and circumstances of the present case and thus petition deserves to be allowed. Hence, the Petition is allowed in terms of prayer clause (a), subject to payment of cost of Rs.10,000/- by each petitioner to the **"Children AID Society bearing Account No.**

02370100005612, UCO Bank, IFSC Code:UCBA0000237”

within six weeks from today and the receipt of payment of cost shall be produced with the Registry, failing which the order of quashing the criminal proceedings shall stand recalled.

8. The Petition is disposed of.

(N.R. BORKAR, J.)

(NITIN W. SAMBRE, J.)