

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2122 OF 2022

1. Rajesh Chilka
 2. Chandrakala Swami Chilka
 3. Swami Ramlu Chilka
 4. Tejasvi Ganesh Jakkan
 5. Rachita Pawan Chakrala
- ...Petitioners

Versus

1. The State of Maharashtra
 2. Smt. Priyanka Rajesh Chilka
- ...Respondents

Mr. Sumet Savant for the Petitioners.

Mrs. P.P.Shinde, A.P.P for the Respondent-State.

Mr. Paresh More 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 petitioners seek leave to amend to implead the co-accused as party petitioners. Leave granted. Amendment to be carried out forthwith, during the course of

the day. Learned Counsel for the respondent No.2 has no objection if the other co-accused are arraigned as party petitioners.

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 and Mr. Paresh More waives notice on behalf of the respondent No.2.

4. By this petition, preferred under Article 226 of the Constitution of India and Section 482 of the Code of Criminal Procedure, the petitioners seek quashing of the FIR, bearing C.R. No. 90 of 2019, registered with the Malad Police Station, Mumbai, for the alleged offences punishable under Sections 498A, 406, 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 petitioner No.1 is the husband of

the respondent No.2, petitioner No.2 is the mother-in-law, petitioner No.3 is the father-in-law and the petitioner Nos.4 and 5 are the sisters-in-law of the respondent No.2, respectively. It appears that the petitioner No.1 and the respondent No.2 got married on 22nd May, 2017 and that, after marriage, the respondent No.2 started residing in her matrimonial house. As according to the respondent No.2, she was allegedly ill-treated and harassed, she filed the aforesaid FIR as against the petitioners alleging the aforesaid offences. Admittedly, the parties i.e. the petitioner No.1 and the respondent No.2 have no issues. Apart from the aforesaid FIR, the respondent No.2 had also filed a D.V. complaint. It also appears that the petitioner No.1 had filed a petition seeking divorce in the Family Court, Bandra, being Divorce Petition No. A-1315/2020.

6. In the interregnum, during the pendency of the aforesaid proceedings, the parties amicably settled their dispute and decided to put a quietus to the same. Accordingly, Consent Terms were entered into between the petitioner No.1 and the respondent No.2. The said

Consent Terms were filed in the Family Court at Bandra, Mumbai. According to the said Consent Terms, which are at Exhibit – B at page 17 of the petition, it is agreed between the parties that the petition filed by the petitioner No.1 would be converted into petition under Section 13B of the Hindu Marriage Act. It was also agreed that the petitioner No.1 would pay a sum of Rs.5,00,000/- by way of permanent alimony to the respondent No.2 in three installments. It appears that the petitioners have handed over the respondent No.2's stridhan to her. Accordingly, the respondent No.2 has also given her no objection for quashing the FIR/proceeding initiated by her against the petitioners.

7. Learned Counsel for the respondent No.2 has tendered an affidavit of the respondent No.2 dated 15th February, 2023, duly affirmed before the Assistant Registrar, High Court. To the said affidavit, is annexed a photocopy of the PAN Card of the respondent No.2, duly signed by her. The said affidavit is taken on record. In the said affidavit, the respondent No.2 has stated that the dispute between

her and the petitioner No.1 has been amicably settled and accordingly, they have filed Consent Terms in the Family Court, Bandra.

8. The respondent No.2 is present in person. On questioning, she re-iterates what is stated by her in her affidavit. She has stated that she has received her stridhan as well as Rs.5,00,000/- from the petitioner No.1, by way of full and final settlement and as such, has no objection to the quashing of the FIR registered at her behest. The respondent No.2 has been identified by her Counsel. The original PAN Card of the respondent No.2 is verified by the learned APP.

9. Considering the nature of dispute, the relations between the parties, the Consent Terms entered into 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 petition.

¹ (2012) 10 SCC 303

² (2014) 6 SCC 466

10. The petition is accordingly allowed and the FIR bearing C.R. No. 90 of 2019, registered with the Malad Police Station, Mumbai, is quashed and set-aside.

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

12. 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.

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

S.G.DIGE, J.

REVATI MOHITE DERE, J.