

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

CRIMINAL WRIT PETITION NO. 2157 OF 2022

1. Vinay Kumar Yadav
2. Kameshwar Prasad Yadav
3. Chandrakala Kameshwar Yadav
4. Jyoti Nagendra Singh
5. Nagendra Singh
6. Vijay Kumar Kameshwar Yadav
7. Rani Vijay Yadav
8. Manoj Kumar Kameshwar Yadav
9. Bandana Manoj Yadav

...Petitioners

Versus

1. The State of Maharashtra
2. Rinku Rani Yadav

...Respondents

Mr. Vishal Kolekar a/w Mr. Shubham Kadam i/b Mr. Randhir Kale for the Petitioners

Ms. S. S. Kaushik, A.P.P for the Respondent No.1-State

Mr. Sachin Daga a/w Mr. Nitin Kamble for the Respondent No. 2

API Ms. Priyanka Kharatmal from Vashi Police Station is present in Court

**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.
FRIDAY, 6th JANUARY 2023**

P.C :

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. Mr. Sachin Daga waives notice on behalf of the respondent No.2.

3 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 registered vide C.R. No. 30/2022 with the Vashi Police Station, Navi Mumbai, for the alleged offences punishable under Sections 498A, 377, 406 r/w 34 of the Indian Penal Code. Quashing is sought on the premise that the petitioners and the respondent No. 2 have amicably settled their dispute.

4 Perused the papers. The petitioner No.1 is the husband of the respondent No.2; petitioner No.2, the father-in-law; petitioner No.3, the mother-in-law; petitioner No.4, is sister-in-law; petitioner No.5, brother-in-law (husband of petitioner No.4); petitioner No.6, brother-in-law (brother of the petitioner No.1) and petitioner No.7, sister-in-law (wife of petitioner No.6); petitioner No. 8, brother-in-law (brother of the petitioner No.1) and petitioner No. 9, sister-in-law (wife of petitioner No. 8) of the respondent No.2, respectively.

5 It appears that the petitioner No. 1 and respondent No. 2 got married on 18.01.2008 and from the said wedlock, have two children (twins) about 13 years of age. According to the respondent No. 2, as She was allegedly ill-treated and harassed for dowry, she lodged the aforesaid C.R. as against the petitioners alleging the aforesaid offences. Admittedly, charge-sheet has not been filed in the said case, till date.

6 It appears that in the interregnum, during the pendency of the investigation of the aforesaid C.R, the parties amicably settled their dispute and entered into Consent Terms. The said Consent Terms were filed before the learned Joint Civil Judge, Senior Division, Thane in Marriage Petition No. 1162/2021. There are several terms and conditions stipulated in the said Consent Terms which both parties have agreed to comply. As per the Consent Terms, the custody of the children, who are twins, will be with the petitioner No.1 and the respondent No. 2 will have access/visitation rights.

7 Learned counsel for the respondent No. 2 has tendered an affidavit of the respondent No. 2 dated 05.01.2023 duly notarised before the Notary. To the said affidavit, is annexed the joint Consent Terms filed before the learned Civil Judge, Senior Division. The same are taken on record. In the said affidavit, the respondent No. 2 has stated that the dispute is amicably settled

between the parties without force or coercion and that she has no objection to the quashing of the C.R. initiated at her behest.

8 A perusal of the Consent Terms shows that the Gift Deed and the amount of Rs. 42,50,000/- is to be paid by the petitioner No. 1 to the respondent No. 2 today, when the decree of divorce will be passed by the learned Civil Judge, Senior Division.

9 Respondent No. 2 is present in Court. Learned counsel for the respondent No. 2 tendered a photocopy of the Aadhar card, duly signed by the respondent No. 2. The same is taken on record. Learned counsel for the respondent No.2 identified her. Learned A.P.P has verified the original Aadhar card of the respondent No.2. On being questioned, the respondent No.2 reiterates what is stated by her in her affidavit.

10 Considering the nature of dispute, relations between the parties, the amicable settlement arrived at 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 & Anr.*¹ and *Narinder Singh & Ors. vs. State of Punjab & Anr.*², there is no impediment in allowing the petition.

11 The petition is accordingly allowed. The FIR bearing C.R. No. 30/2022 registered with the Vashi Police Station, Navi Mumbai, filed by the respondent No. 2 as against the petitioners, is quashed and set-aside.

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

13 Petition be kept on **10.01.2023** for recording compliance of handing over the Gift Deed as well as the demand draft of Rs. 42,50,000/- by the petitioner No.1 to the respondent No.2.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.