

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

***CRIMINAL WRIT PETITION NO. 4147 OF 2022***

1. Sanjay Trilokinath Tiwari  
Age: 50 years, Occ: Service,
2. Ram Sanjay Tiwari,  
Age: 22 years, Occ: Student,
3. Sudha Sanjay Tiwari,  
Age: 47 years, Occ: Housewife,

All permanent residents of:  
Flat No. 702, Yogi Regency CHS,  
Yoginagar, Borivali (W),  
Mumbai – 400 092.

... Petitioners

Versus

1. The State of Maharashtra,  
(At the instance of MHB Colony Police  
Station vide their C.R. No. 457 of 2021)
2. Kunti Trilokinath Tiwari  
Age: 65 years, Occ: Housewife,
3. Trilokinath Chabila Tiwari,  
Age: 72 years, Occ: Teacher,

Both permanent residents of:  
Flat No. 702, Yogi Regency CHS,

Yoginagar, Borivali (W),  
Mumbai – 400 092.

... Respondents

Mr Gaurav Bhawnani for the Petitioners.

Mr Afzal Nawaz i/by Chandni Chawla for the Respondent  
Nos.2 and 3.

Mr S. D. Shinde, APP for the Respondent No.1-State.

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

***DATE : 20 JULY 2023***

**Order (Per R. N. Laddha, J.) :-**

Heard learned counsel for the parties.

2. Rule. The Rule is made returnable forthwith, with the consent of and at the request of the learned counsel for the parties.

3. The Petitioners have filed this Criminal Writ Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, to quash FIR No. 457 of 2021 dated 6 June 2021, registered at MHB Police Station, Mumbai, for the offence punishable under Sections 324, 323, 504 read with 34 of the Indian Penal Code at the instance of Respondent No.2. The Petitioners

seek to quash the impugned FIR on the ground that they have amicably settled the dispute with Respondents No.2 and 3.

4. The learned counsel for the Petitioners and Respondents No.2 and 3 jointly stated that the dispute was an outcome of a misunderstanding due to domestic quarrels, which has been settled amicably. They submitted that continuing the prosecution would serve no purpose, given their settlement. They submitted that this case falls under the purview of the law laid down by the Hon'ble Supreme Court in *Gian Singh v/s. State of Punjab & Anr.*<sup>1</sup> and *Narinder Singh & Ors. v/s. State of Punjab and Anr.*<sup>2</sup>

5. Learned APP for Respondent No.1 submits that appropriate orders may be passed.

6. Respondents No.2 and 3 have filed their affidavits, extending consent for quashing the impugned FIR. Respondents No.2 is present before us and stated that she has no objection to the quashing of the impugned FIR against the Petitioners due to a settlement between them, and now they are staying together. Upon questioning, she confirmed the contents of her affidavit and was identified by her counsel.

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1 (2012) 10 SCC 303.

2 (2014) 6 SCC 466.

The learned APP has verified her original Aadhar Card, of which a self-attested copy is placed on record.

7. It reveals from the record that Respondents No.2 and 3 are husband and wife, and the Petitioners are their son, grandson and daughter-in-law, respectively. The entire dispute was an outcome of a misunderstanding due to differences on domestic front which is now stood resolved amicably. As Respondents No.2 and 3 are no longer willing to support the allegations, continuing the prosecution would be an empty formality. In order to secure ends of justice, it would be appropriate in this case to put an end to the impugned FIR. The affidavits filed by Respondents No. 2 and 3 support this prayer.

8. As we expressed our opinion, the learned counsel for the Petitioners, on instructions, submitted that the Petitioners will pay costs of Rs.25,000/- to the Kirtikar Law Library, Mumbai. The statement is accepted as an undertaking given to this Court. We, therefore, direct the Petitioners to pay costs of Rs.25,000/- in total within three weeks of this order being uploaded. Accordingly, the impugned FIR bearing C.R. No. 457 of 2021 dated 6 June 2021 registered at MHB Police

Station, Mumbai, and the proceedings arising from it are quashed and set aside.

9. Rule is made absolute in these terms, and this Petition is disposed of subject to payment of cost as directed above.

***R. N. LADDHA, J.***

***NITIN W. SAMBRE, J.***

BIPIN  
DHARMENDER  
PRITHIANI

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