

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

CRIMINAL WRIT PETITION NO. 2802 OF 2022

1. Mr. Deepak Mahadev Jagkar
Aged 41 Years, Occ: Service,
2. Mrs. Parvati Mahadev Jagkar,
Aged 78 Years, Occ: Housewife,
3. Mrs. Subhangi Mahadev Jagkar,
Aged 52 Years, Occ: Housewife
4. Mrs. Sarita Mahadev Jagkar,
Aged 48 Years, Occ: Housewife,

All residing at – 305, Snehal Tower,
Jai Bhavani Mata Road,
Amboli (West), Mumbai.

5. Neha Narayan Palshetkar
Aged 44 Years, Occ: Housewife
6. Aditya Narayan Palshetkar
Aged 19 Years, Occ: Student

Both residing at – 19-B, Paradise Apartment
Jai Bhavani Mata Road,
Amboli (W), Mumbai

7. Jayshree Umesh Kadam
Aged 48 Years, Occ: Service

8. Umesh Gajanan Kadam
Aged 43 Years, Occ: No
Both Residing At-503, Snehal Tower,
Jai Bhavani Mata Raod, Amboli (W),
Mumbai.

9. Sathish Ganpat Adekar,
Aged years, Occ: Service
Residing – Julian D'SOUza Chawl,
Dayaldas Road, Vile Road (East),
Mumbai 4000057.

... Petitioners

Versus

1. State of Maharashtra
(Meghwadi Police Station)

2. Mrs. Leena Deepak Jagkar @ Sapna
Aged 39 Years, Occ: Housewife,
Residing – 220/1, Cologne House,
Shere Punjab CHS, Mahakali Caves Road,
Andheri (East), Mumbai 4000093.

... Respondents

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Mr Ratnadeep Meshram for the Petitioners.

Mrs M. M. Deshmukh, APP for the Respondent No.1 -State.

Mr Ayyub Patel for the Respondent No.2.

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

DATE : 17 FEBRUARY 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. By this petition, the petitioners seek to quash the FIR No.307 of 2014, lodged with Meghwadi Police Station, Mumbai, at the instance of Respondent No.2/original complainant for the alleged offences punishable under Sections 498-A, 406, 325, 323, 504 and 506 of the Indian Penal Code, and Sections 4 and 5 of the Dowry Prohibition Act 1961. Quashing is sought on the premise that the parties have amicably settled their dispute and that Respondent No.2 has no objection to the quashing of the impugned FIR.

4. Perused the papers. Petitioner No.1 is the husband of Respondent No.2, and Petitioners No.2 to 8 are the relatives of Petitioner No.1. After marriage, Respondent No.2 started residing at her matrimonial home. Since marital discord/differences post-marriage, Respondent No.2 lodged the FIR described above, vide C.R.No.307 of 2014, at Meghwadi Police Station, Mumbai, against the Petitioners. Allegations of ill-treatment and demand for dowry were made.

5. When this writ petition was placed before us, it was jointly stated by the learned Counsel for the Petitioners and Respondent No.2 that the dispute, which was a purely domestic dispute, has been amicably settled. They submitted that Petitioner No.1 and Respondent No.2 have decided to be separated, and as such, they agreed to part peacefully and gracefully by dissolving the marriage. Accordingly, a divorce petition has been filed in the Family Court at Bandra, Mumbai, vide Petition No. 2520/2021. They tendered Consent Terms dated 17.2.2023. The parties assure that they will abide by the terms and conditions in the Consent Terms. The learned Counsel for Respondent No.2 submitted that the parties have amicably settled their dispute and have decided to withdraw all the allegations and the litigations pending by or against each other and separate amicably. Respondent No.2 has no objection to quashing the impugned FIR. Respondent No.2 is present before us. On questioning, she reiterates what was stated by her in her affidavit and further states that she has no objection to the quashing of the impugned FIR. Respondent No.2 has been identified by her Counsel. We are informed that in the impugned FIR, the charge sheet has been filed before the competent Court. The learned Counsel for the parties submitted that no purpose would be served by keeping the prosecution alive, given the settlement between the parties. They submitted that the present case is squarely covered by

the law laid down by the Hon'ble Supreme Court in *Gian Singh Vs State of Punjab and Anr.*¹ and *Narinder Singh & Ors. Vs State of Punjab and Anr.*²

6. The learned APP for Respondent No.1/State submits that appropriate orders may be passed.

7. The FIR arising from purely domestic disputes can be quashed by consent in light of the decision of the Hon'ble Supreme Court in the above referred cases. The dispute being matrimonial, is a private dispute. Given the settlement between the parties, Respondent No.2 will not support the prosecution case. The accusations would be flawed, and allowing criminal prosecution to continue would be an abuse of the process of the law. It will also disrupt the compromise and interfere with the restoration of peace. Nothing fruitful will, therefore, come out of the prosecution in question. The parties wish to put their past behind them. If the FIR is not quashed, the entire family will remain embroiled in litigation and prosecution, which will not serve the interest of justice. The dispute also does not have any ramifications on society at large.

1 (2012)10 SCC 303.

2 (2014)6 SCC 466.

8. Considering these facts and circumstances, we see no difficulty in quashing the FIR. The petition is, accordingly, allowed, and the FIR No.307 of 2014 registered at Meghwadi Police Station, Mumbai, and the proceedings arising therefrom are hereby quashed and set aside.

9. Rule is made absolute in the above terms.

10. Learned Counsel for Respondent No.2 to file his Vakalatnama, within two weeks of the uploading of this order.

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]