

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2842 OF 2022**

1. Shivkumar Ramesh Jaiswal	]	
2. Geeta Ramesh Jaiswal	]	
3. Ramesh Basantlal Jaiswal	]	
4. Raju Ramesh Jaiswal	]	
5. Priya Ramesh Jaiswal	]	
6. Archana Raju Jaiswal	]	Petitioners

Vs.

1. The State of Maharashtra	]	
2. Isha Shivkumar Jaiswal	]	Respondents

.....
Mr. S.H. Singh, for Petitioners.

Mr. K.V. Saste, A.P. P, for Respondent No.1-State.

Mr. Satyam Dube, for Respondent No.2.

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**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, J.J.**

DATE : 22nd February, 2023.

P.C.

1. Heard learned Counsel for the parties.
2. Rule. Rule is made returnable forthwith, with the consent of the parties and the petition is taken up for final disposal. Learned A.P.P waives notice on behalf of the respondent No.1-State and Mr. Dube, learned Counsel waives notice on behalf of the respondent No.2.
3. By this petition, preferred under Article 226 of the Constitution of India and under section 482 of the Code of Criminal Procedure, 1973 (for short “Cr. P.C”), the petitioners seek quashing of the First Information Report (for short “F.I.R”) registered vide C.R. No.50 of 2018 with the Mira Road Police Station, Thane, for the alleged offences punishable under sections 498-A, 406, 323, 504, 506 r/w 34 of the Indian Penal Code (for short “I.P.C”) and consequently, the proceeding pending before the learned Judicial Magistrate First Class, 8th Court, Thane being R.C.C No.2210 of 2018. Quashing is sought on the premise, that the parties have amicably settled their dispute.

4. Perused the papers. Petitioner No.1, is the husband of the respondent No.2; petitioner No.2, the mother-in-law, petitioner No.3, the father-in-law; petitioner No.4, the brother-in-law and petitioner Nos.5 and 6, the sisters-in-law (petitioner No.6 is the wife of petitioner No.4-brother-in-law of the respondent No.2) respectively. It appears that the petitioner No.1 and the respondent No.2 got married on 30th November, 2016 after which, the respondent No.2 started residing in her matrimonial home. As according to the respondent No.2, she was allegedly ill-treated and harassed by the petitioners, she left her matrimonial home on 6th August, 2017 and thereafter lodged the aforesaid F.I.R, as against the petitioners alleging the aforesaid offences. After investigation, charge-sheet was filed in the said case and the case is presently pending before the learned J.M.F.C, at Thane. It appears that the Petitioner No.1 had filed Petition No.A-2287 of 2017 in the Family Court at Bandra for judicial separation.

5. In the interregnum, during the pendency of the aforesaid petition, the parties amicably settled their dispute and decided to put a quietus to the same. Accordingly the parties i.e the petitioner No.1 and the respondent No.2 entered into consent

terms. The said consent terms dated 18th May, 2022 are filed in Petition No. A-457 of 2020 in the Family Court at Bandra, Mumbai. As per the said consent terms, respondent No.2 is entitled to receive a sum of Rs.22,00,000/-, by way of full and final settlement by the petitioner No.1. It is also agreed that both the parties would withdraw all the allegations made against each other. Learned Counsel for the respondent No.2 has tendered a photo copy of the consent terms entered into between the petitioner No.1 and the respondent No.2 as well as affidavit of the respondent No.2 dated 24th June, 2022, duly notarized before the Notary. Both are taken on record. To the said affidavit, is annexed a photo copy of the Aadhar Card of the respondent No.2, duly attested by her as well photo copy of the receipt dated 18th May, 2022 for a sum of Rs.5,00,000/- as well as photo copies of the demand drafts dated 5th May, 2022 for a sum of Rs.5,00,000/- and 15th June, 2022 for a sum of Rs.15,00,000/- respectively, deposited by the petitioner No.1 in the Family Court, Bandra.

6. Respondent No.2 is present in person. On being questioned, she reiterates what is stated by her in her affidavit. Respondent No.2 states that she had received her *stridhan*. Learned Counsel for

the respondent No.2 has identified the respondent No.2 and the learned A.P.P has verified the original Aadhar Card of the respondent No.2.

7. Learned Counsel for the petitioners states that the petitioners have no objection if the respondent No.2 withdraws the amount deposited by the petitioner No.1 in the Family Court alongwith accrued interest.

8. Considering the nature of dispute, the amicable settlement between the parties, the consent terms executed between them, the affidavit of the respondent No.2 and having regard to the judicial pronouncements of the Apex Court in the case of **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.

9. The petition is accordingly allowed and the FIR, bearing C.R. 50 of 2018 registered with the Mira Road Police Station, District Thane and consequently, the proceeding pending before the Judicial Magistrate First Class, 8th Court, Thane being R.C.C.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

No.2210 of 2018, are quashed and set aside.

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

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

[PRITHVIRAJ K. CHAVAN, J.]

[REVATI MOHITE DERE, J.]