

3. Rule is made returnable forthwith. With the consent of the parties, petition is taken up for final disposal.

4. Learned A.P.P waives notice on behalf of respondent No.1-State. Mr. Pawar, learned Counsel waives notice on behalf of respondent No.2 (original complainant).

5. By this petition 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 F.I.R registered vide C.R. No.65 of 2021 with Dharavi Police Station, Mumbai for the alleged offences punishable under sections 498-A, 377, 504, 354, 506, 323 r/w 34 of the Indian Penal Code (for short "I.P.C") and consequently, the proceeding pending before the learned 12th Metropolitan Magistrate, Bandra being Case No.PW/1200654 of 2022. Quashing is sought on the premise that the parties have amicably settled their dispute.

6. Briefly stated, facts are as under.

7. Petitioner No.1 and respondent No.2 got married on 1st September, 2018 at Mahim, Mumbai as per Muslim Rites. After the marriage, respondent No.2 went to cohabit with the petitioner No.1 and his family members at Alibaug, Raigad.

8. This is the second marriage of the respondent No.2. Respondent No.2 has a daughter from her first husband. However, daughter resides with the first husband of the respondent No.2. This is also the second marriage of the petitioner No.1 after his divorce from the first wife.

9. It is alleged that in the marriage petitioners' demanded Rs.2,00,000/- to the respondent No.2's father. Out of Rs.2,00,000/- respondent No.2's father had first given Rs.25,000/- and thereafter, Rs.1,50,000/- and Rs.25,000/-. Apart from gold ornaments, clothes, wrist watch, shoes etc were given to the petitioner No.1. The couple cohabited together happily for a few days. However, thereafter petitioners started physically and mentally harassing the respondent No.2 on account of non fulfillment of their demands. Since October, 2018, the petitioners started demanding new Refrigerator, Air Conditioner,

Washing Machine, Mixer Grinder, Oven from respondent No.2's father as old articles which were with the petitioners were out of order.

10. At times, respondent No.2 was abused by the petitioner No.1- husband in a very vulgar language and also used to assault her physically. Petitioner No.1 also used to talk in vulgar language on his mobile with some other women. As such, there are several allegations of physical, mental and psychological torture meted out to the respondent No.2 by all the petitioners as well as illegal demands of gold article, cash amount, mobile phone etc.

11. It is also alleged that her father-in-law inappropriately touched her, whenever she was alone at home. Pursuant thereto, a report came to be lodged against the petitioners by the respondent No.2, as above.

12. It is submitted that the parties have amicably settled their dispute. Marriage of the petitioner No.1 and respondent No.2 has been dissolved by Talaq Nama dated 6th April, 2021 (Talaq-

E-Biddat). Affidavit of the respondent No.2 16th June, 2022, duly notarized before the Notary is annexed to the petition at page No.58. A photostat copy of the Aadhar Card is annexed with the said affidavit. The said affidavit is taken on record. Paragraphs 2 to 8 of the affidavit are self explanatory, which are reproduced below:

"1. I say that I am the wife of the Applicant No.01 and I had filed the F.I.R No.65 of 2021 with the Dharavi Police Station, Mumbai on 03/02/2021 for the offence under section 498-A, 377, 354, 504, 506, 323, 504, 34 of the Indian penal code against the above-named Applicants No.1 to 3.

2. I Say that Applicant no.1 and me has dissolved our marriage by Talaq Nama dated 06/04/2021. I say that Applicant No.1 has given Talaq (Talaq-E-Biddat) to me in presence of witnesses and given Meher amount of Rs.11,000/- (Rupees Eleven Thousand Only) and also given full and final settlement amount of Rs.3,50,000/- (Rupees Three Lakh Fifty Thousand Only).

3. I further say that I have received my entire Stridhan and no any article is pending with the Applicants. I further say that I have no any other claim pending against the Applicants.

4. I say and undertake that I take back all the allegations made in the FIR No.65 of 2017 registered with Dharavi Police Station Mumbai and Police Case bearing No.PW/1200654/2022 for the offence under section 498-A, 377, 354, 504, 323, 504, 34 of the Indian Penal Code against the above-named Petitioner No.1 to 3. I undertake that I shall not make any allegation in future against the above named Petitioner No.1 to 3.

5. I say that I have no objection to quash the FIR No.65 of 2021 and charge sheet bearing Police Case bearing No.PW/1200654/2022 which was registered against all the Applicants No.1 to 3.

6. I say that my consent has not been obtained by force, fraud or undue influence.

7. I say that I am filing this affidavit free of will and without any coercion or.

8. It is therefore prayed that this Hon'ble Court may be pleased:-

(a) To quash the FIR No.65 of 2021 and the charge sheet bearing Police Case bearing No.PW/1200654/2022, which was registered with Dharavi Police Station, Mumbai for the offence under section 498-A, 377, 354, 504, 506, 323, 504, 34 of the Indian Penal code against all the Applicants No.1 to 3;

(b) To pass any such other and further order as this Hon'ble Court deem fit and proper in the facts and circumstances of the case".

13. Respondent No.2 is present in the Court. On being questioned, she reiterates what is stated by her in her affidavit. Learned Counsel for the respondent No.2 has identified her. Learned A.P.P has verified the original Aadhar Card of respondent No.2.

14. Considering the nature of the dispute, relations between the parties, amicable settlement between them, affidavit of respondent No.2 and having regard to the judicial pronouncements of the Apex Court in case of **Gian Singh Vs. State of Punjab and another**¹ and **Narinder Singh and others Vs. State of Punjab and another**², there is no impediment in allowing the petition.

15. The petition is accordingly allowed. The F.I.R bearing C.R. No.65 of 2021 registered with Dharavi Police Station as

¹ (2012) 10 SCC 303

² (2014) 6 SCC 466

against the petitioners and consequently, the proceeding pending before the learned 12th Metropolitan Magistrate Court, Bandra, being PW/1200654 of 2022, are quashed and set aside.

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

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

[PRITHVIRAJ K. CHAVAN, J.] [REVATI MOHITE DERE, J.]