

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

CRIMINAL WRIT PETITION NO.3265 OF 2021

1. Mr.Sunny Gulshan Arora
Aged 31 years, Occ: service,
R/at : Flat no.202, Om Sai Shubham
Bldg., Geeta Nagar Phase-7, Mira Rd.
East, Opp.Ration Office,
Mira Bhayander, Thane, Mumbai-401 107.
2. Mr Gulshan Bhagwandas Arora
Aged 60 yrs., Occ: Business,
R/at : Flat no.202, Om Sai Shubham
Bldg., Geeta Nagar Phase-7, Mira Rd.
East, Opp.Ration Office,
Mira Bhayander, Thane, Mumbai-401 107.
3. Mrs. Sarita Gulsha Arora
Aged 55 yrs., Occ: Housewife,
R/at :Flat No.202, Om Sai Shubham
Bldg., Geeta Nagar Phase-7, Mira Rd.
East, Opp.Ration Office,
Mira Bhayander, Thane, Mumbai-401 107. ... Petitioners.

Versus

The State of Maharashtra
{Through Oshiwara Police Station,
Vide C.R.No.553 of 2017}

- 2.Mrs.Akansha Sunny Arora
Age 35 years, Occ: Actress
R/at :Flat No.704, A-wing,
Benzar Apartment, Lokhandwala,
Andheri(W), Mumbai.Respondents.

Mr Akram Kapoor, Advocate for the Petitioner.

Mr V.B. Konde Deshmukh, APP for the Respondent No.1.

Mr Gopalkrishna Nayak i/by Flavia Legal for Respondent No.2.

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

DATE : 30 JANUARY 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.553 of 2017 lodged with Oshiwara Police Station, Mumbai, at the instance of Respondent No.2/original Complainant for the alleged offences punishable under Sections 498-A, 406, 420, 323, 354, 504, 506 r/w 34 of the Indian Penal Code. 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. Petitioners No.2 and 3 are the in-laws of Respondent No.2. After marriage, Respondent No.2 started residing at her matrimonial home with the Petitioners. Since

marital discord/differences post-marriage, Respondent No.2 lodged the FIR described above, vide C.R. No. 553 of 2017, at Oshiwara 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, Consent Terms were drawn and filed in the Family Court at Bandra, Mumbai, vide Petition No. A-1001218 of 2021. A Copy of the Consent Terms is annexed to this Petition. The parties assure that they will abide by the terms and conditions in the Consent Terms. Respondent No.2 also filed the Consent Affidavit. 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 is 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 learned Metropolitan Magistrate, Railway Court at Andheri, Mumbai, vide C.C.No. 2383/PW/2018. 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 & Anr.*¹ and *Narinder Singh & Ors. Vs. State of Punjab and Anr.*² (2014) 6 SCC 466.

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

7. We have examined the facts of the present case in light of the law laid down by the Hon'ble Supreme Court in *Gian Singh and Narinder Singh (supra)*.

8. 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 Code. It will also disrupt the compromise and interfere with the restoration of peace. Nothing fruitful will, therefore, come out of the prosecution in

1 (2012)10 SCC 303.

2 (2014) 6 SCC 466.

question. The parties wish to put their past behind. 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.

9. Considering these facts and circumstances, we see no difficulty in quashing the FIR. The petition, therefore, is made absolute in terms of prayer clause (a), which reads thus:

“(a) The case pending on the file of Ld.Metropolitan Magistrate Railway and Mobile Court, at Andheri, Mumbai, vide C.C. No.2383/PW/2018 in C.R.No.553 of 2017 dated 28th December, 2017 registered with Oshiwara Police Station, registered under Section 498-A, 406, 420, 323, 504, 506, 354 and 34 of Indian Penal Code, may kindly be quashed and set aside.”

10. The Rule is made absolute in the above terms without any order for costs.

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]