



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

CRIMINAL WRIT PETITION NO.4579 OF 2022

Kamal Inderlal Mirchandani ...Petitioner

Versus

1. The State of Maharashtra
2. Sanjana Kamal Mirchandani ...Respondents

WITH

CRIMINAL WRIT PETITION NO.4580 OF 2022

1.Haresh Aasandas Lakhiani ...Petitioner

2.Mrs. Anju Haresh Lakhiani

Versus

1. The State of Maharashtra
2. Sanjana Kamal Mirchandani ...Respondents

WITH

CRIMINAL WRIT PETITION NO.2347 OF 2023

1. Raju Pratab Doultani
2. Tulsi Pratab Doultani
3. Pinky Inderlal Mirchandani ...Petitioners

Versus

1. The State of Maharashtra
2. Sanjana Kamal Mirchandani ...Respondents

....

Mr. Gaurav Bhawani for the Petitioners.
Mr. S.V. Gavand, APP for Respondent No.1-State.
Ms Dimple Asrani for Respondent No.2.

**CORAM: SMT. ANUJA PRABHUDESSAI &
N.R. BORKAR, JJ.**

DATED: 27th SEPTEMBER, 2023.

P.C.:-

1. By these petitions filed under Article 226 of the Constitution of India the Petitioners seek to quash the R.C.C. No.698 of 2018 pending on the file of 2nd Jt. Judicial Magistrate, First Class, Kalyan and FIR No.I-122 of 2018 registered at Khadakpada Police Station, District-Kalyan, for the offences punishable under Sections 498-A, 406, 323, 504 and 506 r/w 34 of the IPC.
2. Respondent No.2 has lodged the FIR alleging that her husband Petitioner-Kamal Mirchandani and his family members had subjected her to cruelty. The allegations of criminal breach of trust, assault, abuse and criminal intimidation are also levelled against the Petitioners.
3. Learned counsel for the Petitioners and Respondent No.2 state that parties have settled the matter amicably. They have placed on record consent terms at Exhibit-C. As per the consent terms Petitioner -Kamal Mirchandani, husband of Respondent No.2 has interalia agreed to pay an amount of Rs.6,00,000/- to Respondent

No.2 and further an amount of Rs.15,000/- per month towards educational expenses of the child. The Petitioner-Kamal Mirchandani has filed his affidavit enhancing said amount of Rs.6,00,000/-to Rs.10,00,000/- and instead of paying Rs.15,000/- per month towards educational expenses, the Petitioner has agreed to bare the entire educational expenses of his son-Abhishek. Learned counsel for the Petitioners, under instructions states that the educational expenses shall include higher education expenses.

4. Respondent No.2, whose presence has been dispensed with, has filed an affidavit through her counsel, wherein she has accepted the consent terms and has given no objection to quash the criminal proceedings against the Petitioners arising from Crime No. I-122 of 2018.

5. The offences arise essentially from matrimonial dispute in *Jitendra Raghuvanshi and Ors. v/s. Babita Raghuvanshi and Anr. (2013) 4 SCC 58*, the Apex Court has observed that it is the duty of the Courts to encourage genuine settlements of matrimonial dispute. It is held that every effort should be made in the interest of the

individuals in order to enable them to settle down in life and live peacefully. If the parties ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law, in order to do complete justice in the matrimonial matters, the Courts should be less hesitant in exercising its extraordinary jurisdiction.

6. In *Rangappa Javoor v/s. State of Karnataka AIR ONLINE 2023 SC 506*, the Apex Court has reiterated that in cases of offences relating to matrimonial disputes, if the Court is satisfied that the parties have genuinely settled the disputes amicably, then for the purpose of securing the ends of justice, criminal proceedings inter-se parties can be quashed by exercising the powers under Article 142 of the Constitution of India or even under section 482 of Code of Criminal Procedure.

7. In the instant case parties have settled the dispute amicably and in our view the settlement is genuine and in the interest of parties. Considering the said fact and in view of discussion supra, this is a fit case to exercise power under Article 226

of the Constitution of India.

8. Hence, the Petitions are allowed. R.C.C. No.698 of 2018 pending on the file of 2nd Jt. Judicial Magistrate, First Class, Kalyan and FIR No.I-122 of 2018 registered at Khadakpada Police Station, District-Kalyan, for the offences punishable under Sections 498-A, 406, 323, 504 and 506 r/w 34 of the IPC stand quashed.

9. The Petitions stand disposed of.

(N.R. BORKAR, J.)

(SMT. ANUJA PRABHUDESSAI, J.)