

waives notice on behalf of the respondent No.2.

3. By this petition, preferred under Article 226 of the Constitution of India and Section 482 of the Code of Criminal Procedure, the petitioners seek quashing of the FIR bearing C.R. No. 88 of 2021 registered with the Powai Police Station, Mumbai, for the alleged offences punishable under Sections 498A, 354, 509, 406, 323, 504, 506 r/w 34 of the Indian Penal Code. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. Perused the papers. The petitioner No.1 is the husband of the respondent No.2; the petitioner No.2 is the father-in-law and the petitioner No.3 is the mother-in-law of the respondent No.2 respectively. According to the respondent No.2, she got married with the petitioner No.1 on 30th May, 2019 and left the matrimonial home on 15th March, 2020. As according to the respondent No.2, she was ill-treated and harassed by the petitioners, she lodged the aforesaid FIR against the petitioners alleging the

aforesaid offences. Admittedly, chargesheet has not been filed in the said case.

5. In the interregnum, during the pendency of the investigation of the aforesaid C.R., the parties amicably settled their dispute and entered into Consent Terms. Learned Counsel for the petitioners has tendered the Consent Terms entered into between the parties. The said Consent Terms are dated 19th December, 2022, duly notarized before the Notary. In the Consent Terms, it is agreed that the petitioner No.1 shall pay a sum of Rs.16,50,000/- as and by way of one time settlement to the respondent No.2. As per the Consent Terms, the petitioner No.1 has deposited Rs.8,25,000/- in the Family Court and has today handed over a Demand Draft of Rs.8,25,000/- to the respondent No.2. Learned Counsel for the respondent No.2 states that the respondent No.2 has filed her affidavit dated 10th December, 2021, duly affirmed before the Notary. In the said affidavit, the respondent No.2 has stated that in view of the amicable settlement between the parties, she has no objection if the C.R. registered at her

behest is quashed. She also does not dispute the fact that the parties have filed the petition seeking divorce by mutual consent under Section 13B of the Hindu Marriage Act.

6. The respondent No. 2 is present in Court. Learned Counsel for the respondent No. 2 has tendered a self attested photocopy of the Aadhar Card of the respondent No. 2. The same is taken on record. On questioning, she re-iterates what is stated by her in her affidavit. She does not dispute the fact that she has received a Demand Draft of Rs.8,25,000/- today in terms of the Consent Terms. The respondent No.2 has been identified by her Counsel. Learned APP has verified the original Aadhar Card of the respondent No.2.

7. Considering the nature of dispute, the relations between the parties, the Consent Terms entered into between them, the affidavit of the respondent No.2 and having regard to the judicial pronouncements of the Apex Court in *Gian Singh vs. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. vs. State of Punjab & Anr.*², there

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

is no impediment in allowing the petition.

8. The petition is accordingly allowed and the FIR bearing C.R. No. 88 of 2021 registered with the Powai Police Station, Mumbai, is quashed and set-aside.

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

10. Learned Counsel for the respondent No.2 to file his Vakalatnama, if not filed, on behalf of the said respondent, in the Registry, within two weeks of uploading of this order.

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.