

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3996 OF 2021

1. Viral Dilip Trivedi
2. Dilip Diveshwar Trivedi
3. Sunita Dilip Trivedi ...Petitioners

Versus

1. The State of Maharashtra
2. Richa Viral Trivedi ...Respondents

Mr. Praful Karande i/b Mr. Arun Upadhyay for the Petitioners.

Mr. K.V.Saste, A.P.P for the Respondent-State.

Mr. Kushalkumar D. Shukla for the Respondent No.2.

**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.**
DATE : 19th JANUARY, 2023

P.C. :

1. Heard learned Counsel for the parties.
2. Rule. Rule is made returnable forthwith, with the consent of the parties and is taken up for final disposal. Learned A.P.P waives

notice on behalf of the respondent No.1–State. Mr. 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. 1352 of 2020 registered with the Dahisar Police Station, Mumbai, for the alleged offences punishable under Sections 498A, 323, 504 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 and the respondent No.2 got married on 22nd April, 2016 and separated in June, 2017. It appears that apart from the aforesaid proceeding, the respondent No.2 had also filed D.V. Complaint as against the petitioner No.1. The petitioner No.1 has also filed divorce petition in the Family Court, Bandra, Mumbai.

5. During the pendency of the aforesaid proceeding, the

parties amicably settled their dispute before the National Lok-Adalat in the Family Court at Bandra and signed Consent Terms and have agreed to get divorced by mutual consent. Learned Counsel for the petitioners has tendered the Consent Terms entered into between the parties before the National Lok-Adalat at Family Court, Bandra in Petition No. A – 1337 of 2020. By way of one time settlement, the petitioner No.1/husband is to pay a sum of Rs.6,30,000/- to the respondent No.2. Admittedly, the couple has no issue. As per the terms set out in the Consent Terms, the respondent No.2 has undertaken to give her no objection for quashing of the aforesaid C.R. registered at her behest. We are informed that the D.V. complaint has already been withdrawn by the respondent No.2.

6. Learned Counsel for the respondent No.2 has tendered an affidavit of the respondent No.2 dated 19th October, 2021, duly notarized before the Notary. The said affidavit is at page 32 of the petition. In the said affidavit, the respondent No.2 has stated that in view of the amicable settlement, she has no objection for quashing of

the proceedings initiated at her behest. To the said affidavit, is annexed the Consent Terms entered into between the parties before the National Lok-Adalat. An amount of Rs.6,30,000/- has already been deposited by the petitioner No.1 in the Family Court, Bandra, which is to be handed over to the respondent No.2 at the time when the Decree of Divorce is passed.

7. The respondent No.2 is present in person. On questioning, she re-iterates what is stated by her in her affidavit. Learned Counsel for the respondent No.2 has filed a photocopy of the Aadhar Card of the respondent No.2, duly signed by her. The respondent No.2 has been identified by her Counsel. The original Aadhar Card of the respondent No.2 is verified by the learned APP.

8. 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 the judicial pronouncements of the Apex Court in *Gian Singh vs. State of Punjab & Anr.*¹ and

¹ (2012) 10 SCC 303

*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. No. 1352 of 2020, registered with the Dahisar Police Station, Mumbai, and consequently, the proceeding, if any, are quashed and set-aside.

10. In view of the order passed by the National Lok-Adalat, we permit the respondent No.2 to withdraw the amount of Rs.6,30,000/-, deposited by the petitioner No.1 at Family Court, Bandra, with interest.

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

12. Learned Counsel for the respondent No.2 to file his Vakalatnama, if not filed, on behalf of the said respondent, in the

² (2014) 6 SCC 466

Registry, within two weeks of uploading of this order.

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.