

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

CRIMINAL APPLICATION NO. 893 OF 2022

1. Siddharth Manmohan Tandon
2. Manmohan Govardhanlal Tandon
3. Alka Manmohan Tandon ...Applicants
Versus
1. The State of Maharashtra
2. Nilanksha Siddharth Tandon ...Respondents

Mr. Shailesh Kharat for the Applicants

Ms. S. S. Kaushik, A.P.P for the Respondent No.1-State

Mr. Nagesh S. Khedkar for the Respondent No. 2

**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.
FRIDAY, 3rd FEBRUARY 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. Khedkar waives notice on behalf of the respondent No.2.

3 By this application preferred under Section 482 of the Code of Criminal Procedure, the applicants seek quashing of the FIR registered vide C.R. No. I-299/2022 with the Amboli Police Station, Mumbai, for the alleged offences punishable under Sections 498A, 406, 504 r/w 34 of the Indian Penal Code. Quashing is sought on the premise that the applicant No.1 and the respondent No. 2 have amicably settled their dispute.

4 Perused the papers. The applicant No. 1 is the husband of the respondent No. 2 and the applicant Nos. 2 and 3 are the father-in-law and the mother-in-law respectively of the respondent No. 2. It appears that the applicant No. 1 got married to the respondent No. 2 on 16.04.2016 and the couple started living separately from October 2021. Admittedly, there are no issues from the said wedlock. It appears that apart from the aforesaid FIR, divorce proceeding were initiated by the respondent No. 2 being Application No. F-3149/2022 in the Family Court at Bandra,

Mumbai. Admittedly, charge-sheet has not been filed in the aforesaid CR.

5 In the interregnum, during the pendency of the aforesaid proceeding, the parties amicably settled their dispute and decided to put a quietus to the same. Accordingly, Consent Terms were entered into by and between the parties. The said Consent Terms are at page 31 of the application. As per the Consent Terms, the applicant No. 1 and the respondent No. 2 have agreed to have their marriage dissolved by mutual consent. It is also agreed that the applicant No. 1 will pay a sum of Rs. 30,00,000/- to the respondent No. 2 by way of full and final consideration. We are informed that out of the said Rs.30,00,000/-, Rs. 20,00,000/- have already been paid by the applicant No. 1 to the respondent No. 2.

6 Today, applicant No.1, through his counsel, undertakes to this Court to transfer the balance payment of

Rs.10,00,000/- by RTGS/NEFT to the respondent No.2 on or before 08.02.2023. Statement accepted.

7 Learned counsel for the respondent No. 2 has tendered an affidavit of the respondent No. 2 dated 03.02.2023 duly affirmed before the Assistant Registrar, High Court, Mumbai. The said affidavit is taken on record. In the said affidavit, the respondent No. 2 has stated that the dispute has been amicably settled between them by entering into Consent Terms dated 08.08.2022 and as such, she has no objection for quashing the FIR, subject to receiving the balance consideration of Rs 10,00,000/-.

8 Respondent No. 2 is present in Court. Learned counsel for the respondent No.2 identified her. Learned counsel for the respondent No. 2 has tendered a photocopy of the Aadhar Card, duly attested by the respondent No.2. The same is taken on record. Learned A.P.P has verified the original

Aadhar card of the respondent No.2. On being questioned, the respondent No.2 reiterates what is stated by her in her affidavit.

9 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 is no impediment in allowing the application.

10 The application is accordingly allowed. The FIR bearing C.R. No. 299/2018 registered with the Amboli Police Station, is quashed and set-aside, subject to the applicant No. 1 paying the balance amount of Rs. 10,00,000/- directly into the account of the respondent No. 2 as per the Consent Terms, on or before 08.02.2023.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

11 Rule is made absolute in the aforesaid terms.

Application is disposed of accordingly.

12 Stand over to **10.02.2023**. To be listed on the Supplementary Board, for recording compliance of the payment of Rs. 10,00,000/-.

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.