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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1004 OF 2023**

- | | | | |
|----|--------------------------|--|----------------|
| 1. | Lovish R. Sadh | | |
| 2. | Babita R. Sadh | | |
| 3. | Rajendra Sadh | | |
| 4. | Nili A. Sadh | | |
| 5. | Subhodh @ Tinku Sadh | | |
| 6. | Sanjeev Sadh | | ...Applicants |
| | Versus | | |
| 1. | The State of Maharashtra | | |
| 2. | Reny L. Sadh | | ...Respondents |

Ms Darshana Pawar for the Applicants.

Ms Sharmila S. Kaushik, APP for the Respondent/State.

Ms. Rekha Musale for Respondent No.2.

**CORAM : NITIN W. SAMBRE &
N. R. BORKAR, JJ.
DATE : 13 OCTOBER, 2023.**

PC:-

1. The present application under Section 482 of Code of Criminal Procedure, 1973 is filed to quash First Information Report No.60 of 2019 dated 23 February 2019 registered at Mira Road Police Station, Thane Rural for the offences punishable under Sections 498-A, 406, 323, 504 and 506 read with 34 of Indian Penal Code and the criminal case arising of said FIR being R.C.C. No. 1823 of 2020 pending on the file of Judicial Magistrate First Class, Thane.

2. The aforesaid crime came to be registered against the applicants at the instance of respondent No.2/complainant. The allegations against the applicants, who are husband and in-laws, are of cruelty and criminal breach of trust.

3. The quashing of FIR is sought on the ground that there has been an amicable settlement between the parties and respondent No.2 is no longer desirous of prosecuting the case in question.

4. The learned counsel for the applicants and the respondent No.2 jointly submit that the parties have amicably settled the dispute. It is submitted that the parties have filed the Consent Terms dated 19 July 2022 in the petition which was filed for divorce by mutual consent before the Principal Judge, Family Court, Karkardooma Courts, Dist. Shahadara District, Delhi. It is submitted that no purpose would be served by keeping the prosecution alive, in view of the settlement arrived at between the parties. The learned counsel for the parties submits that present case is squarely covered by the law laid down by the Hon'ble Supreme Court in the case of ***Gian Singh vs. State of Punjab***¹.

5. The respondent No.2, who is identified by her Advocate Ms Rekha Musale, is personally present in the Court. She confirms about the settlement arrived at with the applicants, and the contents of the affidavit dated 29 September 2023 filed by her, wherein she has stated that she has no objection if the criminal case in question against the applicants is quashed.

6. The Hon'ble Supreme Court in the case of *Gian Singh (supra)* has held :

1 (2012) 10 SCC 303

“But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim.”

7. The main reason for filing of the FIR appears to be matrimonial discord. The allegations are totally of personal nature. In view of the settlement between the parties, Respondent No.2 is not going to support the prosecution case and therefore, possibility of conviction is remote and bleak. Thus, nothing fruitful will come out of the prosecution in question. The dictum in *Gian Singh's* case is squarely applicable to the facts and circumstances of the present case and thus application deserves to be allowed. Hence, the Application is allowed in terms of prayer clause (a), subject to payment of cost of Rs.10,000/- by each applicant to the Trust viz. **“Association of Parents of Mentally Retarded Children, Account No.00000010884930648, Bank Name : State Bank of India, IFSC Code: SBIN0009056”** within six weeks from today and the receipt of payment of

cost shall be produced with the Registry, failing which the order of quashing the criminal proceedings shall stand recalled.

8. The Application is disposed of.

(N.R. BORKAR, J.)

(NITIN W. SAMBRE, J.)