

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

CRIMINAL WRIT PETITION NO. 4448 OF 2021

1. Vijay Mohandas Mangtani
 2. Bharati Mohandas Mangtani
 3. Khubchand Mohandas Mangtani
 4. Soni Khubchand Mangtani
 5. Hiro Mohandas Mangtani
 6. Nayana Hiro Mangtani
- ... Petitioners

Versus

1. The State of Maharashtra
 2. Kiran Vijay Mangtani
- ... Respondents

Mr. Drupad Sopan Patil a/w Mr. Dheeraj M. Patil, for the Petitioners.

Mr. K. V. Saste, APP for the Respondent No.1 – State.

**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.**

DATE : 12th JANUARY, 2023.

P. C. :

Heard learned Counsel for the parties.

2 Rule. Rule is made returnable forthwith with the consent of the parties and the Petition is taken up for final disposal. Learned

A.P.P waives notice on behalf of the respondent No. 1–State.

Rekha Patil

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3 By this Petition, preferred under Article 226 of the Constitution of India and under Section 482 of the Code of Criminal Procedure, 1973, the petitioners seek quashing and setting aside of the FIR, bearing C.R.No. 452 of 2016, registered with the Pimpri Police Station, Pune, for the alleged offences punishable under Sections 498A, 495, 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 is the husband (now divorced) of the respondent No.2; the petitioner No.2, the mother-in-law; the petitioner No.3, the brother-in-law; the petitioner No.4, the wife of petitioner No.3; the petitioner No.5, the brother-in-law and the petitioner No.6, the wife of the petitioner No.5.

5 It appears that the petitioner No.1 got married to the respondent No.2 on 5th September, 2015 and started residing in her matrimonial house. As according to the respondent No.2, she was allegedly ill-treated by the petitioners, she left the matrimonial house on 24th March, 2016. Pursuant thereto, the respondent No.2 lodged

the aforesaid FIR as against the aforesaid petitioners alleging the aforesaid offences.

6 It appears that charge-sheet has been filed in the Morwadi Court, Pimpri, Pune.

7 Apart from the aforesaid proceeding, there was another proceeding, being Marriage Petition No. 142 of 2017 filed before the Ad-hoc District Judge-7, Pune. It appears that in the said proceeding, parties amicably settled their dispute and filed Consent Terms in the said Marriage Petition, pursuant to which, the learned Judge passed a Decree of Divorce by Mutual Consent. It appears that the respondent No.2 has agreed to give her no objection for quashing the proceeding initiated at her behalf i.e. C.R. No. 452 of 2016.

8 Despite notice, the respondent No.2 did not appear before this Court and hence, vide order dated 25th November, 2022, we directed the concerned police of the concerned police station to depute a lady officer to record the statement of the respondent

No.2, as to whether the dispute with the petitioners was amicably settled; whether a Decree of Divorce by Mutual Consent was passed; and whether she had any objection for quashing of the FIR registered with Pimpri Police Station, Pune, at her behest.

9 Today, learned APP has tendered a statement of the respondent No.2-Kiran Vijay Mangtani, dated 8th January, 2023. In the said statement, she has stated that she has received Rs.55,00,000/- by way of one time settlement, pursuant to the Consent Terms entered into between her and the petitioner No.1. She has further stated that post her divorce, she has remarried. She has further stated that she does not dispute the filing of the Consent Terms and that she has no objection to any order being passed by this Court. The said statement has been duly signed by the respondent No.2. To the said statement is annexed a photocopy of the Aadhar Card of the respondent No.2 duly attested by her. The said statement is taken on record and marked **‘X’ for identification.**

10 Admittedly, the petitioner No.1 has complied with the Consent Terms. As per the Consent Terms, the respondent No.2 has agreed

to give her no objection for quashing of the FIR.

11 Considering the amicable settlement between the parties and the statement recorded of the respondent No.2, there is no impediment in allowing the Petition.

12 Accordingly, the Petition is allowed and the FIR bearing C.R.No. 452 of 2016, registered with the Pimpri Police Station, Pune, as against the petitioner and consequently, the proceeding pending before the Morwadi Court, Pimpri, Pune, are quashed and set aside.

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

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.