

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.3672 OF 2023**

- | | | | |
|----|-------------------------|--|----------------|
| 1. | Vishal S. Kedare | | |
| 2. | Megha S. Kedare | | |
| 3. | Sagar S. Kedare | | ...Petitioners |
| | Versus | | |
| 1. | The State | | |
| 2. | Mrs. Darshana S. Kedare | | ...Respondents |

Mr. Nitin S. Borkar a/w. Ms Dakshata Dupare for the Petitioners.
Ms S.S. Kaushik, APP for the Respondent/State.
Ms Kajal Chari for Respondent No.2.

**CORAM : NITIN W. SAMBRE &
N. R. BORKAR, JJ.
DATE : 6 NOVEMBER, 2023.**

PC:-

1. The present petition under Articles 226 & 227 of the Constitution of India read with Section 482 of Code of Criminal Procedure, 1973 is filed to quash the First Information Report No.182 of 2021 dated 14 July 2021 registered at Shivajinagar Police Station, Thane for the offences punishable under Section 498-A read with 34 of the Indian Penal Code and the criminal case arising out of the said FIR being R.C.C. No.1544 of 2021 pending on the file of J.M.F.C., at Ulhasnagar, Thane.

2. The aforesaid crime came to be registered against the petitioners at the instance of respondent No.2/complainant. The allegations against the petitioners, who are husband and in-laws of the respondent No.2 are *inter alia* of cruelty.

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 petitioners and respondent No.2 jointly submit that the parties have amicably settled their matrimonial dispute and decided to take divorce by mutual consent. It is submitted that no purpose would be served by keeping the prosecution alive, in view of the settlement arrived at between the parties. It is submitted that the 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 & Anr.***¹.

5. The respondent No.2, who is identified by her Advocate Ms Kajal Chari, is personally present in the Court. She confirms about the settlement arrived at with the petitioners and the contents of the affidavit dated 15 September 2023 filed by her, wherein she has stated that she has no objection if the criminal case in question against the petitioners is quashed.

6. The learned counsel for the petitioners, on instructions, states that the payment of Rs.14,40,000/- shall be done in accordance with the consent terms. The same is recorded as undertaking to this Court.

1 (2012) 10 SCC 303

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

"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."

8. The main reason for filing of FIR by respondent No.2 appears to be matrimonial discord. The allegations are totally personal in nature. Even otherwise in view of the settlement between the parties, the respondent No.2 is not going to support the prosecution case. Thus, nothing fruitful will come out of the prosecution in question. Considering overall facts and circumstances, in our view, the petition deserves to be allowed. Hence, the Petition is allowed in terms of prayer clause (a), subject to payment of cost of Rs.25,000/- by the petitioners to the Trust viz. **"Association of Parents of Mentally Retarded Children, Account No. 00000010884930648, Bank Name : State Bank of India, IFSC Code : SBIN0009056"** within ten 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.

9. The Petition is disposed of.

(N.R. BORKAR, J.)

(NITIN W. SAMBRE, J.)