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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 971 OF 2022

1. Manish Sonthalia
2. Matadin Sonthalia
3. Mira Devi Sonthalia
4. Mita Goenka

...Applicants

Versus

1. The State of Maharashtra
2. Reshmi Manish Sonthalia

...Respondents

Mr. Vikramaditya Deshmukh i/b Ms. Sapna Rachure for the Applicants.

Mrs. P.P. Shinde, A.P.P for the Respondent-State.

Ms. Disha Shetty i/b Ms. Touban Irani for the Respondent No.2.

Mr. Shirdhankar, PSI, Andheri Police Station.

CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.
DATE : 4th 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. Ms. Disha Shetty i/b Ms. Touban Irani 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 bearing C.R. No. 819 of 2020 registered with the Andheri Police Station, Mumbai, for the alleged offences punishable under Sections 498A, 377, 406, 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 applicant No.1 is the husband of the respondent No.2 and the applicant Nos.2,3 and 4 are the father-in-law, mother-in-law and sister-in-law respectively of the respondent No.2. It appears that the applicant No.1 got married to the respondent No.2 on 10th July, 2019, after which, the respondent No.2 started residing in the matrimonial house. Admittedly, the couple has no issue. As according to the respondent No.2, she was allegedly ill-

treated and harassed by the applicant, she filed the aforesaid FIR as against the applicantss. We are informed that chargesheet has not been filed in the said case till date.

5. In the interregnum, during the pendency of the aforesaid proceeding, the parties amicably settled their dispute and filed a petition seeking divorce by mutual consent under Section 13B of the Hindu Marriage Act, 1956. We are informed that the next date, before the Family Court, Bandra, is 9th January, 2023. The Consent Terms entered into between the parties and filed before the Family Court are at page 59 of the application. Certain terms and conditions to be complied with by the respective parties have been stipulated in the said Consent Terms. One of the terms of the Consent Terms is that the applicant No.1 will pay a sum of Rs.1,50,00,000/- to the respondent No.2, by way of one time settlement. We are informed that as per the Consent Terms, the applicant No.1 has already deposited the said amount in the Family Court, Bandra and that the respondent No.2 will be entitled to receive the said amount with accrued interest therein, on the Decree of

Divorce passed. It is also agreed by and between the parties that all proceedings will be withdrawn by the parties instituted against each other, as per the Consent Terms, before 9th January, 2023.

6. Learned Counsel for the respondent No.2 has tendered an affidavit of the respondent No.2 dated 4th January, 2023, duly affirmed before the Notary. To the said affidavit, is annexed a photocopy of the Aadhar Card of the respondent No.2, duly signed by her. The said affidavit is taken on record. In the said affidavit, the respondent No.2 has stated that she has amicably settled the dispute with the applicants and that she has no objection for quashing of the proceeding initiated at her behest.

7. The respondent No.2 is present in person. On questioning, she re-iterates what is stated by her in her affidavit. She states that she has received her articles and as such she has no grievance as against the applicants. The applicants are also present in person. All parties i.e. the applicants as well as respondent No.2

undertake to abide by the terms and conditions in the Consent Terms.
Statement Accepted.

8. 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.

9. Considering the nature of dispute, the relations between
the parties, the amicable settlement between the parties, the Consent
Terms entered into between the parties, 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 *Narinder Singh & Ors. vs. State
of Punjab & Anr.*², , there is no impediment in allowing the
application.

10. The application is accordingly allowed and the FIR bearing
C.R. No. 819 of 2020 registered with the Andheri Police Station,
Mumbai is quashed and set-aside.

¹ (2012) 10 SCC 303

² (2014) 6 SCC 466

11. The Family Court, Bandra, to release the money deposited by the applicant No.1 on the Decree of Divorce being passed as per the Consent Terms with accrued interest, if any.

12. The passport impounded by the police shall be handed over to the applicant No.1 forthwith.

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

14. Learned Counsel for the respondent No.2 to file his Vakalatnama, if not filed, on behalf of the said respondent, in the Registry, within two weeks of uploading of this order.

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.