

Versus

State of Maharashtra and another ... Respondents

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Ms. Priyanka Chavan for the Petitioners.

Ms. M.M. Deshmukh, APP for the State.

Ms. Priyanka Pawar instructed by Ms. Lakshmi Murali for Respondent No.2.

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**CORAM : SMT. ANUJA PRABHUDESSAI &
N.R. BORKAR, JJ.**

DATED : 12 SEPTEMBER 2023

P.C. :-

. This is a petition under Article 226 of the Constitution of India to quash the FIR being Crime No.38 of 2021 registered at MIDC Andheri Police Station for the offences punishable under Sections 323, 498A, 504, 506 r/w. 34 of Indian Penal Code, 1860.

2. The said crime was registered pursuant to the FIR lodged by the Respondent No.2 herein. The marriage of respondent No.2 and the petitioner No.1 was solemnized on 6 June

2015. The matrimonial dispute between the parties led to filing of the aforesaid FIR against the petitioner No.1-husband and his family members.

3. The learned Counsel for the petitioner and respondent No.2 states that during the pendency of this petition, parties have arrived at an amicable settlement. They have placed on record consent terms (Exhibit – B), which reads thus :

“A) That the First Informant file present Affidavit for quashing of FIR bearing C.R. No.38/2021 with MIDC Andheri Police station for the offence punishable u/s 323, 498A, 504 and 506 r/w 34 of Indian Penal Code on 23rd January, 2021 against the present Petitioner No. 1, Petitioner No. 2 who is the mother of Petitioner No. 1 and Petitioner No. who 3 is the sister of Petitioner No. 1. as the dispute stands settled.

B) That the First Informant do not have any grievance against present petitioner in the FIR bearing C.R. No.38/2021 with MIDC Andheri Police station for the offence punishable u/s 323, 498A, 504 and 506 r/w 34 of Indian Penal Code on 23rd January, 2021 against the present Petitioner No.1, Petitioner No.2 who is the mother of Petitioner No. 1 and Petitioner No. who 3 is the sister of Petitioner No. 1. and withdraws every complaint pending before any authorities.

C) I shall not raise any objection in future regarding the same if this Hon'ble Court grants any relief in the present case pending against the petitioner.

D) That all the disputed are amicably settled between the parties and the I states that there are no claims as existing on date, nor shall he or his legal heirs or representative will have any claim against present petitioners in future.

E) There should be no modification /alteration or renewal of any of the terms stated in the Affidavit anytime in the future by either party once confirmed and filed in the respective courts.”

4. Respondent No.2 is present before the Court. She accepts the genuineness and compliance of the consent terms and states that the consent terms are acceptable to her. She accords no objection to quash the FIR. She has also placed on record Affidavit confirming the consent terms.

5. In *Jitendra Raghuvanshi v/s. Babita Raghuvanshi and anr.*¹, the Apex Court has observed that it is the duty of the Courts to encourage genuine settlements of matrimonial disputes. It is held that every effort should be made in the interest of the individuals in order to enable them to settle down in life and live

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peacefully. If the parties ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law, in order to do complete justice in the matrimonial matters, the Courts should be less hesitant in exercising its extraordinary jurisdiction.

6. In *Rangappa Javoor vs. State of Karnataka*², the Apex Court has reiterated that in cases of offences relating to matrimonial disputes, if the court is satisfied that the parties have genuinely settled the disputes amicably, then for the purpose of securing ends of justice, criminal proceedings inter se parties can be quashed by exercising the powers under article 142 of the Constitution of India or under Section 482 of Code of Criminal Procedure, 1973.

7. Considering the case is arising from matrimonial dispute and the parties have now settled the dispute amicably and decided to lead their life peacefully without getting engaged in any litigation, in our considered view, this is a fit case to exercise powers under Article 226 of the Constitution of India and to quash

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the proceedings. Hence, the following order :

- (i) Writ Petition is allowed.
- (ii) FIR being Crime No.38 of 2021 registered at MIDC Andheri Police Station for the offences punishable under Sections 323, 498A, 504, 506 r/w. 34 of Indian Penal Code, 1860 stands quashed.

(N.R. BORKAR, J.)

(SMT. ANUJA PRABHUDESSAI, J.)