

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

***CRIMINAL WRIT PETITION NO. 4660 OF 2022***

1. Rajendra Suresh Ahire  
2. Lata Suresh Ahire  
3. Kiran Anand Bagul ...Petitioners

Versus

1. The State of Maharashtra  
2. Harshali Rajendra Ahire ...Respondents

Ms. Mayuri Karekar a/w Mr. Siddharth Ingle for the Petitioners

Mr. J. P. Yagnik, A.P.P for the Respondent No.1-State

Mr. Amol G. Shinde for the Respondent No. 2

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

**TUESDAY, 21<sup>st</sup> FEBRUARY 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.

Mr. Amol Shinde waives notice on behalf of the respondent No.2.

3           By this petition preferred under Article 226 of the Constitution of India and Section 482 of the Code of Criminal Procedure, the petitioners seek quashing of two FIRs registered vide C.R. No. I-300/2017 and 313/2017, with the Kalwa Police Station, Thane, one for the offence punishable under Section 498A of the Indian Penal Code (‘IPC’) and the other for the offences punishable under Sections 324, 323, 504 and 506(2) of the IPC, and consequently, the proceedings pending before the learned Judicial Magistrate First Class, Thane being RCC Nos. 10397/2020 and RCC No. 8842/2020. Quashing is sought on the premise that the petitioners and the respondent No. 2 have amicably settled their dispute.

4           Perused the papers. It appears that in CR No. I-300/2017, the petitioners i.e. the husband, mother-in-law and sister-in-law of the respondent No. 2 respectively are the accused,

whereas, in C.R. No.313/2017, only the petitioner No. 1-husband is an accused.

5           It appears that the petitioner No. 1 and the respondent No. 2 got married on 04.01.2015. After marriage, the respondent No. 2 started residing in her matrimonial house. Admittedly, the couple has no issues. As according to the respondent No.2, she was allegedly ill-treated and harassed by the petitioners, she lodged aforesaid FIRs alleging the offences as against the petitioners. After investigation, charge-sheet was filed in both the cases and the cases are presently pending before the learned Judicial Magistrate First Class, Thane. It appears that the respondent No. 2 had filed a petition in the Family Court at Bandra being Petition No.A-614/2022, which petition came to be converted into a petition under Section 13B of the Hindu Marriage Act.

6           In the interregnum, during the pendency of the aforesaid petition, the parties amicably settled their dispute and decided to put

a quietus to the same. Accordingly, the petitioner No. 1 and respondent No. 2 filed Consent Terms before the Family Court, Bandra and divorce was sought by mutual consent. The Consent Terms entered into between the petitioner No. 1 and the respondent No. 2 are at Exhibit 'B' at page 20 of the petition. As per the Consent Terms, the respondent No. 2 was to receive a sum of Rs. 6,00,000/- from the petitioner No. 1 by way of full and final settlement. The said amount was deposited by the petitioner No. 1 in the Family Court, which the respondent No. 2 will be entitled to receive, after the decree of divorce is passed. As per the Consent Terms, the respondent No. 2 was to give her no objection to the quashing of the FIRs lodged as against the petitioners at her behest.

7           When the petitions came up before us, we were not satisfied with the settlement arrived at between the parties and as such, asked the petitioner No. 1 to enhance the amount from Rs.6,00,000/- to Rs.8,00,000/-. Pursuant thereto, the petitioner No. 1 agreed to pay an additional amount of Rs. 2,00,000/- to the

respondent No. 2. Learned counsel for the petitioner No. 1 has tendered a photocopy of the demand draft of Rs. 2,00,000/- paid by the petitioner No. 1 to the respondent No. 2. The same is taken on record. Learned counsel for the respondent acknowledges the receipt of demand draft of Rs.2,00,000/-.

8            Learned counsel for the respondent No. 2 had tendered an affidavit of the respondent No. 2 on the previous date i.e. 10.01.2023. The said affidavit was taken on record. In the said affidavit, the respondent No. 2 has given her no objection to the quashing of both the FIRs registered at her behest, so also, the proceeding initiated at her behest.

9            Learned counsel for the respondent No. 2 had also tendered a photocopy of the Aadhar Card, duly attested by the respondent No.2 on 10.01.2023, which was taken on record. Learned A.P.P had verified the original Aadhar card of the respondent No.2.

10            Respondent No. 2 is present in Court. Learned counsel for the respondent No.2 identified her. On being questioned, the respondent No.2 reiterates what is stated by her in her affidavit.

11            Considering the nature of dispute, the relationship between the parties, the Consent Terms entered into between them, the affidavit of the respondent No.2 and having regard to the judicial pronouncements of the Apex Court in *Gian Singh vs. State of Punjab & Anr.*<sup>1</sup> and *Narinder Singh & Ors. vs. State of Punjab & Anr.*<sup>2</sup>, there is no impediment in allowing the petition.

12            The petition is accordingly allowed. The FIRs bearing C.R. Nos. I-300/2017 and 313/2017, both registered with the Kalwa Police Station, Thane, and consequently, the proceedings pending before the learned Judicial Magistrate First Class, Thane being RCC Nos. 10397/2020 and RCC No. 8842/2020 are quashed and set-aside.

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1    (2012) 10 SCC 303

2    (2014) 6 SCC 466

13           Needless to state that the above order is passed, subject to the respondent No. 2 being permitted to withdraw Rs. 6,00,000/- with accrued interest, if any, on the decree of divorce being passed.

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

15           Learned counsel for the respondent No.2 to file his Vakalatnama in the Registry within two weeks of uploading of this order.

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

**PRITHVIRAJ K. CHAVAN, J.**

**REVATI MOHITE DERE, J.**