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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4793 OF 2022**

Pralhad S. Harne

...Petitioner

Versus

1. The State of Maharashtra

2. Rekha P. Harne

...Respondents

Mr. Mahindra Deshmukh for the Petitioner.

Smt. M.M. Deshmukh, APP for the Respondent/State.

Ms Suvarna Yadav for Respondent No.2.

Ms Manisha Devkar, Appointed Advocate for Respondent No.2.

**CORAM : NITIN W. SAMBRE &
N. R. BORKAR, JJ.**

DATE : 19 OCTOBER, 2023.

PC:-

1. The present petition under Article 226 of the Constitution of India read with Section 482 of Code of Criminal Procedure, 1973 is filed to quash the First Information Report No.147 of 2013 dated 23 February 2013 registered at Virar Police Station for the offence punishable under Sections 498-A, 323, 504 and 506 of the Indian Penal Code and the criminal case arising out of the said FIR being Criminal Case No. 691 of 2013 pending on the file of J.M.F.C., Vasai.

2. The aforesaid crime came to be registered against the petitioner at the instance of respondent No.2/complainant, who has alleged that she was subjected to mental and physical cruelty at the hands of her husband.

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 petitioner and the respondent No.2 jointly submit that the parties have amicably settled the dispute. In support of said submission, the parties have placed on record the copy of Consent Terms dated 4 October 2023 filed in Petition No. Cri.M.A. /521/2014 pending on the file of Judicial Magistrate First Class, Vasai, Dist. Palghar. It is submitted that no purpose would be served by keeping the prosecution alive, in view of the settlement arrived at between the parties. The learned counsel for the parties submit 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**¹.

5. The respondent No.2, who is identified by her Advocate Ms Manisha Devkar, is personally present in the Court. She confirms about the settlement arrived at with the petitioner, and the contents of the affidavit dated 19 October 2023 filed by her, wherein she has stated that she has no objection if the criminal case in question against the petitioner is quashed.

6. The Hon'ble Supreme Court in **Gian Singh vs. State of Punjab**² has held :

1 (2012) 10 SCC 303

2 (2012) 10 SCC 303

“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.”

7. The main reason for filing of the FIR appears to be matrimonial discord. The allegations are totally of personal nature. In view of the settlement between the parties, Respondent No.2 is not going to support the prosecution case and therefore, possibility of conviction is remote and bleak. Thus, nothing fruitful will come out of the prosecution in question. The dictum in *Gian Singh's* case is squarely applicable to the facts and circumstances of the present case and thus petition deserves to be allowed. Hence, the Petition is allowed in terms of prayer clause (a) & (b).

8. The Petition is disposed of.

(N.R. BORKAR, J.)

(NITIN W. SAMBRE, J.)