

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

CRIMINAL APPLICATION NO.1402 OF 2022

- | | | |
|----|----------------------|----------------|
| 1. | Ankur Sajan Jalan | |
| 2. | Sajan Jalan | |
| 3. | Shila Jalan | ...Applicants |
| | Versus | |
| 1. | State of Maharashtra | |
| 2. | Kishori Ankur Jalan | ...Respondents |

Ms. Sonali Kochar i/b NAS Legal, for the Applicants.

Mr. Y. M. Nakhwa, A.P.P for the Respondent No.1– State.

Mr. S. S. Borkar a/w Arya S. Borkar and Mr. Hitendra Parab, for the Respondent No.2.

Applicant No.1 - Mr. Ankur Sajan Jalan, is present through video-conferencing.

Respondent No.2 - Kishori Ankur Jalan, is present.

***CORAM : REVATI MOHITE DERE &
SANDEEP V. MARNE, JJ.***

***DATE : 14th FEBRUARY 2023
(IN CHAMBERS)***

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. Borkar 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.295 of 2022 registered with the Kasarvadavali Police Station, Thane, for the alleged offences punishable under Sections 498A, 406, 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, the applicant Nos.2 and 3, the father-in-law and mother-in-law of the respondent No.2 respectively. It appears that the respondent No.2 and the applicant No.1 got married on 30th November 2020, after which the respondent No.2 started residing at her matrimonial home. As according to the respondent No.2, she

was allegedly ill-treated and harrassed by the applicants, she filed the aforesaid FIR as against them, alleging the aforesaid offences. Admittedly, charge-sheet has not been filed in the said case, till date.

5. In the interregnum, during the pendency of the investigation of the aforesaid C.R., the parties amicably settled their dispute. It appears that apart from the aforesaid C.R. the applicant No.1 had filed a petition in the Family Court at Bandra, Mumbai, being Petition No. A-1406 of 2022 for dissolution of marriage. Similarly, the respondent No.2 had also filed a Domestic Violence proceeding as against the applicant Nos.1 to 3 in the Court of learned Magistrate at Thane. It appears that in the proceeding at Family Court at Bandra, Mumbai, the parties amicably settled their dispute and decided to put a quietus to the same. Accordingly, consent terms entered into between the parties i.e. applicant No.1 and the respondent No.2 were filed before the learned Judge, Family Court at Bandra, Mumbai. The said consent terms are at Exhibit – 'B', page 17 of the application. There are several terms and conditions set out in

the consent terms. It appears that the applicant No.1 had deposited Rs.85 lakhs in the Family Court at Bandra, Mumbai, by way of one time settlement. The said amount is to be withdrawn by the respondent No.2 once the decree of divorce is passed.

6. Learned counsel for the respondent No. 2 has filed an affidavit of the respondent No.2 dated 2nd December 2022, duly affirmed before the Assistant Registrar, High Court, Appellate Side, which is on page 49 of the application. In the said affidavit, the respondent No.2 has stated that the dispute has been amicably settled between the parties and that consent terms have been filed before the Family Court at Bandra, Mumbai, between the applicant No.1 and her. She has further stated that she has received her streedhan and has also vacated her matrimonial home and as such has no objection to the quashing of the FIR initiated at her behest. Respondent No. 2 is present in Chambers. On being questioned, she re-iterates what is stated by her in her affidavit. Learned counsel for the respondent No. 2 has also filed a self attested photocopy of the aadhar card of

the respondent No. 2. The same is at Exhibit – ‘A1’, on page 55 of the application. Learned Counsel for the respondent No.2 has identified the respondent No.2 and the learned APP has verified the original aadhar card of the respondent No.2.

7. Considering the nature of dispute, the relations between them, the amicable settlement 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 and Another*¹ and *Narinder Singh and Others vs. State of Punjab and Another*², there is no impediment in allowing the application.

8. The application is accordingly allowed and the FIR bearing C.R. No.295 of 2022 registered with the Kasarvadavali Police Station, Thane, is quashed and set-aside.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

9. Rule is made absolute in the aforesaid terms. Application is disposed of accordingly.

10. The respondent No.2 is permitted to withdraw the amount deposited by the applicant No.1 as per the consent terms entered into between them, on the decree of divorce being passed alongwith accrued interest, if any, on furnishing document relating to proof of her identity.

11. It also appears that the applicant No.3 had filed a D.V case in the Court of the learned Additional Chief Metropolitan Magistrate, 24th Court, Borivali, Mumbai. The said case has also been withdrawn by the applicant No.3.

12. Since, the application is allowed and have regard to the consent terms, we permit the parties to file an appropriate application before the Family Court at Bandra, Mumbai, for preponment of the date of the case pending before the learned Judge.

13. 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.

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

SANDEEP V. MARNE, J.

REVATI MOHITE DERE, J.