

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL WRIT PETITION NO. 4794 OF 2022

Nikita Vaibhav Raut

...Petitioner

Versus

1. The State of Maharashtra

2. Vaishali Vijay Raut

...Respondents

Mr. J.B.Mishra a/w Mr. Ashutosh Mishra for the Petitioner.

Mr. Y.M.Nakhwa, A.P.P for the Respondent-State.

Mr. Abhishek Mishra for the Respondent No.2.

**CORAM : REVATI MOHITE DERE &  
PRITHVIRAJ K. CHAVAN, JJ.**  
**DATE : 4<sup>th</sup> 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. Mr. Abhishek Mishra waives notice on behalf of the respondent No.2.

3. By this petition, the petitioner seeks quashing of the FIR bearing C.R. No. 322 of 2016 registered with the Worli Police Station, Mumbai, for the alleged offence punishable under Section 380 of the Indian Penal Code. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. Perused the papers. The petitioner is the daughter-in-law of the respondent No.2. According to the respondent No.2, she was constrained to lodge the aforesaid FIR as the petitioner committed theft of jewellery from the house. After investigation, chargesheet was filed and the case is presently pending before the learned Metropolitan Magistrate, 62<sup>nd</sup> Court, Dadar, Mumbai, being C.C.No. 429/PW/2018.

5. In the interregnum, during the pendency of the aforesaid proceeding, the parties amicably settled their dispute, inasmuch as, the petitioner started residing with the respondent No.2/complainant i.e. her mother-in-law. Learned Counsel for the respondent No.2 has tendered an affidavit of the respondent No.2 dated 15<sup>th</sup> December, 2022 duly affirmed before the Assistant Registrar, High Court which is

at 'Exhibit-B' at page 57 of the petition. In the said affidavit, the respondent No.2 has stated that she has no objection to the quashing of the aforesaid FIR/proceeding and that she has withdrawn all allegations against her daughter-in-law i.e. the petitioner.

6. The respondent No.2 is present in person. On questioning, she re-iterates what is stated by her in her affidavit i.e. she has no grievance as against the petitioner. The respondent No.2 has been identified by her Counsel. Learned Counsel for the respondent No.2 has tendered a photocopy of the Aadhar Card of the respondent No.2, duly signed by her. The original Aadhar Card of the respondent No.2 is verified by the learned APP.

7. Considering the nature of dispute, the relations between the parties, the amicable settlement between them, the affidavit of the respondent No.2 and 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

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<sup>1</sup> (2012) 10 SCC 303

<sup>2</sup> (2014) 6 SCC 466

petition.

8. The petition is accordingly allowed and the FIR bearing C.R. No. 322 of 2016, registered with the Worli Police Station, Mumbai, and consequently, the proceeding pending before the learned Metropolitan Magistrate, being C.C. No. 429/PW/2018, are quashed and set-aside.

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

10. 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.

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

**PRITHVIRAJ K. CHAVAN, J.**

**REVATI MOHITE DERE, J.**