

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO.608 OF 2024**

1. Mr. Atul Ghanshyam Mishra
Age- 30 years, Occ. - Service
2. Mr. Ghanshyam Dharamraj Mishra
Age-66 years, Occ.- Retired
3. Mrs. Malati Ghanshyam Mishra
Age-62 years, Occ.-Housewife
4. Ms. Sujata Ghanshyam Mishra
Age-27 years, Occ.-Unemployed
5. Mrs. Seema Satish Mishra
Age-36 years, Occ.-Service

All residing at 6/9, Shree Shiv Shakti
Society Vaishet Pada Santoshi
Mata Mandir Road Kurar
Village Malad (E), Mumbai- 400097

.....Applicants

Vs.

1. Neha Atul Mishra,
Age: 31 years, Occupation: Service,
having address at B/2/407, Omkar SRA
Housing Society, Janu Bhoi Nagar
Kurar Village, Malad (E),
Mumbai 400 097

2. The State Of Maharashtra
(through Kurar Police Station)

.....Respondents

Mr. Rishikesh Soni & Ms. Raveena Yaddav for the Applicants.
Dr. Samarth Shrikant Karmarkar i/by PS.Singh for Respondent No.1.
Mr. V. A. Kulkarni, APP, for Respondent-State.
PSI S.R.Salunkhe attached to Kurar PStn. Present.

**CORAM : A. S. GADKARI AND
DR NEELA GOKHALE, JJ.**
DATE : 13th JUNE, 2024.

ORAL ORDER :- (Per Dr. Neela Gokhale, J.)

- 1) Rule. Rule is made returnable forthwith. Learned APP waives notice on behalf of the Respondent No.2-State and learned counsel Dr. Samarth Karmarkar represents the Respondent No.1.
- 2) With consent of the parties, matter is taken up for final disposal.
- 3) The Applicants seek quashing of FIR bearing No.0895/2022 dated 26th September 2022 registered with Kurar Village Police Station, Mumbai for offences punishable under Sections 323, 406, 498A, 504, 506 r/w 34 of the Indian Penal Code, 1860 ("IPC").
- 4) The Petitioners No.1, 2, 3, 4 and 5 are the husband, father-in-law, mother-in-law and two sisters-in-law of the Respondent No.1 respectively. According to the Respondent No.1, the Petitioner No.1 married her on 5th June 2021. There was some acrimony and marital discord between the parties which led to the Respondent No.1 to lodge the aforesaid FIR with the Kurar Village Police Station, Mumbai.
- 5) It appears that in the interregnum, the parties decided to amicably

resolve their disputes. The Petitioner No.1 and the Respondent No.1 filed a Petition for divorce by mutual consent before the Family Court at Bandra, Mumbai bearing Petition No. F-1541 of 2024 under Section 13-B of the Hindu Marriage Act, 1955 and the said Petition is pending before the Family Court at Bandra. A copy of the Consent Terms is filed with the Application and is at Page 24 herein. Vide the Consent Terms, the Petitioner No.1 has agreed to pay a lumpsum amount of Rs.10 Lakhs towards permanent alimony and maintenance towards a full and final settlement in various installments, which are specified in the Consent Terms. The Respondent No.1 has also filed her consent affidavit dated 7th May 2024 affirmed before a Notary Public. The same is at Page 31 of the Application. In the said affidavit, the Respondent No.1 has stated that she wishes to withdraw the allegations against the Applicants and is not desirous of pursuing present proceedings/prosecution against them.

6) The parties are present in Court. The Respondent No.1 is identified by her advocate. On enquiry, she reiterates her stand in the Affidavit. She further states that in view of the settlement, she has no objection to quashing of the FIR bearing No.0895/2022 dated 26th September 2022 registered with Kurar Village Police Station, Mumbai.

7) Considering the nature of the dispute, relations between the parties and the Affidavit of the Respondent No.1 and having regard to the judicial

pronouncements of the Apex Court in the matter of *Gian Singh v. State of Punjab and Ors.*¹ and *Narinder Singh & Ors. v. State of Punjab and Ors.*², there is no impediment in allowing the Application.

8) The Application is, accordingly, allowed. The FIR bearing No.0895/2022 dated 26th September 2022 registered with Kurar Village Police Station, Mumbai is quashed and set aside.

9) Rule is accordingly made absolute in the aforesaid terms.

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)

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1 (2012) 10 SCC 203

2 (2014) 6 SCC 466