



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 676 Of 2024

Satish Suryakant Dhuri,
Age: 63, Occ.: Retired,
Residing at Room No.312,
Sudarshan Building, 3rd Floor,
Gokhale Road, Mumbai No.400 028.

.....Applicant

Vs.

1. Miss.Vaibhavi Satish Dhuri,
Residing at Room No.312,
Sudarshan Building,
3rd Floor, Gokhale Road,
Mumbai – 400 028.

2. The State of Maharashtra,
(At the instance of Dadar Police
Station)

.....Respondents

Mr. Vishal Ingalwale, i/b. Mr. Ganesh Jadhav, for the Applicant.
Mr. Geeta R. Chataule with Ms. Vandana Thosar, for Respondent No.1.
Mr. V. N. Sagare, APP, for the Respondent No.2-State.
Mr. Sharad Jadhav, PI, Dadar Police Station is present.

CORAM : A. S. GADKARI AND
DR NEELA GOKHALE, JJ.

RESERVED ON : 28th JUNE, 2024.

PRONOUNCED ON : 3rd JULY, 2024.

JUDGMENT :- (Per Dr. Neela Gokhale, J.)

1) Rule. Rule is made returnable forthwith and with the consent of parties, the Application is taken up for final hearing.

1.1) Mr. Vishal Ingawale represents the Applicant while Mr. V. N. Sagare, learned APP appears for the State. Ms. Geeta Chataule appears for the Respondent No.1.

- 2) The Applicant seeks quashing of F.I.R. dated 5th April 2024 bearing No 186 of 2024 registered with Dadar Police Station, Mumbai for offenses punishable under Sections 307 and 504 of the Indian Penal Code (I.P.C.) by the Respondent No.1 herein (Original Complainant).
- 3) The Applicant is the father of the Complainant. It is discerned from the F.I.R. that, the Petitioner was an alcoholic and in his drunken state abused the Complainant. In a fit of one such drunkenness and anger, the Petitioner hurt the complainant in her stomach with a kitchen knife. She ran outside her house and the neighbors called the police and for medical help. It is out of this domestic quarrel that the impugned F.I.R was filed.
- 4) It is stated that, considering the relationship between the parties being that of a parent and his ward and also the nature of the incident arising out of a domestic quarrel between the parties, they have decided to settle the matter amicably.
- 5) Complainant has filed a Consent Affidavit dated 6th May 2024 attested before the Assistant Registrar of this Court. She specifically states in the Affidavit that, she was injured in her stomach hence, she required medical help and it is in these circumstances, the F.I.R. was registered. She had no intention to register any complaint against her father. Complainant has no objection to quash the impugned F.I.R.

6) Mr. Ingawale and Ms. Chataule submit that, the alleged offence in question although registered under Section 307 of the I.P.C., primarily arises out of a family dispute between a father and daughter and quashing of the impugned F.I.R. shall result in harmony between them, improving their relationship. The dispute has arisen out of a pure misunderstanding between family members and now they are desirous of settling the matter amicably. Mr. Ingawale places reliance on the decision of the Supreme Court in the matter of *Narinder Singh & Ors v. State of Punjab & Anr*,¹ to buttress the plea that, though it is a serious offence as the Petitioner attempted to seriously injure the complainant at the same time, the Court cannot be oblivious to hard realities that many times whenever there is a quarrel between the parties leading to physical commotion and sustaining of injuries by either or both the parties, there is a tendency to give a slant of offense under Section 307 of I.P.C. as well.

7) The complainant is present in the Court today. On instructions, Ms. Chataule, learned counsel for the complainant states that, in view of the settlement, complainant has no objection to quash the F.I.R. bearing No. 186 of 2024 registered with Dadar Police Station. Learned APP has also placed on record the Injury Certificate of the complainant. We have perused the same. Although the nature of injury recorded in the certificate indicates a

¹ (2014) 6 SCC 466.

stab injury with peritoneal breach, considering the statements in the consent Affidavit, relationship of the parties and the reason on account of which the quarrel took place resulting in the incident, we are inclined to quash the F.I.R. to secure the ends of justice.

8. FIR dated 5th April 2024 bearing No 186 of 2024 registered with the Dadar Police Station, Mumbai for offenses punishable under Sections 307, 504 of the I.P.C. is hereby quashed. The Application is accordingly allowed.

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

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)