

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 955 OF 2017

1. Mr. Pravin Shankarji Devda

and 3 Ors.

....Petitioners

V/s.

1. State of Maharashtra and anr.

....Respondents

* * * * *

Ms. Rebecca Dias i/by. Maharashtra Legal Associates,
Advocate for the petitioners.

Mr. V.B. Kondedeshmukh, Additional Public Prosecutor
for the respondent no.1, State.

Ms. Shraddha Vavhal, Advocate for respondent no.2.

CORAM :-

R.M. SAVANT &

SANDEEP K. SHINDE, JJ.

DATE :-

8TH SEPTEMBER, 2017.

P.C. :-

1. The above petition has been filed for quashing the chargesheet filed in R.C.C. No. 1042 of 2016 arising out of FIR No.159 of 2015 registered with the Vasai Police

Station for the offences punishable under Sections 498A, 406 read with Section 34 of the Indian Penal Code. The FIR has arisen out of the matrimonial dispute between the petitioner no.1 and the respondent no.2, who are the husband and wife. The parties have filed a petition under Section 13(B) for divorce by mutual consent in the Court of the Learned District Judge, Silvassa. It is in terms of the agreement and settlement arrived at between the parties that the said petition has been filed. Respondent no.2 who is the First Informant has filed an Affidavit bearing today's date and affirmed in this Court. In the context of the relief sought in the petition, paras-2 and 3 of the said Affidavit are material and are reproduced hereinunder :-

“2. I say that, I had lodged a F.I.R. No.20 of 2015 against the Petitioners/Accused under Section 498(A), 406, r/w. 34 I.P.C.

3. I say that, the dispute is amicably settled between me and petitioner and we have filed Mutual Consent Divorce in Hon'ble District Court, D & N.H. At Silvassa, which is pending and next date is 29th September, 2017.”

2. It is also stated in the Affidavit that, respondent no.2 has received her ornaments, belongings and articles on 10th February, 2017 and that the petitioner no.1 has also deposited a sum of Rs.5,00,000/- towards permanent alimony to be given to respondent no.2 which deposit is made in the District Court at Silvassa. Hence, filing of the Petition for divorce by mutual consent as also affidavit by respondent no.2 discloses that, parties have amicably resolved their dispute.

3. Respondent no.2 is personally present in the Court. She is identified by the Learned Counsel, Ms. Shradha Vavhal. She is also identified by her Aadhar Card bearing No. 7137 7561 5327. Respondent no.2 is a resident of Silvassa. When put in the box and queried, she states that the Affidavit tendered by the Learned Counsel bearing today's date is hers and that she accepts the contents of the said Affidavit.

4. In view of filing of the petition for divorce by

mutual consent, as also, filing of the Affidavit and having regard to the judgments of the Apex Court in the case of **Gian Singh v/s. State of Punjab, reported in (2012) 10 SCC 303** and **Narinder Singh V/s. State of Punjab, reported in (2014) 6 SCC 466**, no useful purpose would be served by keeping the proceedings pending. Hence, there is now no impediment in quashing the proceedings, the above petition is accordingly allowed and made absolute in terms of prayer clause (a). The petition stands disposed of.

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)