

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

CRIMINAL APPLICATION NO.409 OF 2017

Pankaj Ramdas Meghade and others	..Applicants
Versus	
The State of Maharashtra and another	..Respondents

Mr. S. R. Gaud for the Applicants.

Mrs. S. V. Sonawane, APP for the Respondent No.1 – State.

Ms. Gayatri Shahane for the Respondent No.2.

**CORAM : R. M. SAVANT &
SANDEEP K. SHINDE, JJ.
DATE : 21st SEPTEMBER, 2017**

PC.

1 By the above Criminal Application, the Applicants seek quashing of the proceeding bearing C.C. No.1149/PW/2016 pending before the Learned Metropolitan Magistrate, 15th Court at Mazgaon arising out of its CR No.275 of 2015 registered with the Kalachowki Police Station on 09.08.2015 for the offences punishable under Sections 498-A, 406, 504 r/w 34 of the Indian Penal Code, 1860 (for short “IPC”).

2 The said FIR has arisen out of the matrimonial dispute between the Petitioner No.1 and the Respondent No.2 who are husband and wife. The parties were before the Family Court in MJ Petition No.F-762 of 2017 filed by the Respondent No.2 for divorce. In the said Petition, the parties arrived at a settlement which was reduced into

writing by way of consent terms. In the context of the relief sought in the present Petition, paragraph 5 of the said consent terms are material and are reproduced herein under :-

“5. The Petitioner No.1 agrees and undertakes to withdraw and/or co-operate the Petitioner to quash the criminal complaint filed against the Petitioner No.2 and his family members. Once the abovesaid Consent Petition file in the family court by both the parties immediately the Petitioner No.1 and the Petitioner No.2 will file Writ Petition in the Hon'ble High Court for quashing the FIR under section 498A, 406, 504 and 34 of IPC vide C.C. No.1149/pw/16.”

3 The first informant i.e. the Respondent No.2 herein has filed her affidavit bearing today's date i.e. 21.09.2017 and sworn in this Court. In the context of the present Petition, paragraph 7 of the said affidavit is material and is reproduced herein under :-

“7. I do hereby record my No-Objection for allowing the Petition preferred by all the above-named Applicants thereby quashing of C.C. No.1149/PW/2016 pending before 15th Court of Ld. Metropolitan Magistrate at Mazgaon (Sewri) Mumbai arising out of F.I.R. Bearing its C.R. No.275 of 2015 duly registered with Kalachowky Police Station for an offences punishable u/s 498(A), 406 504 r/w 34 of IPC.”

4 The Respondent No.2 i.e. the first informant is also personally present in Court. She is identified by the Learned Ms. Gayatri Shahane. She is also identified by her Aadhar Card bearing No.4075

9772 3012. When put in the box and queried she states that consent terms have been arrived at between her and her husband in the Family Court. She further states that the affidavit tendered by the Learned Counsel Ms. Gayatri Shahane is hers' and that the contents of the said affidavit are acceptable to her and that the same has been signed by her of her own free will and volition. The Applicant No.1 – Pankaj Ramdas Maghade is also personally present in Court. He is identified by the Learned Counsel Mr. S. R. Gaud. He is also identified by his Aadhar Card No.6531 4408 7097. When put in the box and queried, he states that the consent terms have been filed between the parties in the Marriage Petition in the Family Court. Having regard to the consent terms filed between the parties in the Family Court as also having regard to the affidavit filed by the Respondent No.2 in this Court and having regard to the judgments of the Apex Court in Gian Singh Vs. State of Punjab & Anr.¹ and Narinder Singh & Ors Vs. State of Punjab & Anr.², there is no impediment in allowing the Criminal Application. The Criminal Application is accordingly allowed and made absolute in terms of prayer clause (b). The Criminal Application is accordingly disposed of.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]

1 (2012) 10 Supreme Court Cases 303

2 2014 AIR SCW 2065