

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 663 OF 2017**

Mithila Amol Gogate

..Applicant

Vs.

State of Maharashtra & Ors

..Respondents

Mr. A. A. Deshpande for the Applicant

Mr. F. R. Shaikh Addl P P for the Respondent-State

**CORAM :R. M. SAVANT, &
SANDEEP K. SHINDE, JJ
DATE : 11th SEPTEMBER, 2017**

P.C.

1 The above Criminal Application has been filed for quashing of the FIR being C. R. No.496 of 2016 registered with the Warje Malwadi Police Station, Pune, for offences punishable under Section 498A, 323, 504, 506, 507 r/w 34 of Indian Penal Code. The said FIR arising out of the matrimonial dispute between the Applicant who is the first informant and the Respondent No.2 who is her husband. It appears that both the parties have filed a Petition under Section 13(B) of the Hindu Marriage Act for divorce by mutual consent before the Family Court Pune. Implicit in the filing of the said Petition is the fact that the parties have amicably decided to part ways and start life afresh. As indicated above, the Applicant is the first informant and it is averred in the above Petition that she is not desirous of proceeding with the FIR.

2 The Applicant is personally present in Court. She is identified by Mr. Deshpande the Learned Counsel appearing for her. She is also identified

by her Adhar Card No.361037072769. When put in the box and queried, she reiterates that the parties have amicably resolved their dispute and that they are willingly parting ways. The Respondent No.2 husband is not present in the Court as he is presently in the United States of America, however, his power of attorney i.e. his mother Respondent No.4 is personally present in Court. She is identified by the Applicant as being her mother-in-law. She is also identified by her Adhar Card No.609049661041. When put in the box and queried, she states that a statement has been arrived at between the Applicant and the Respondent No.2 her son, as a result of which they have decided to part ways by filing an application for divorce with mutual consent in the Family Court, Pune.

3 In the facts as aforesaid and having regard to the judgments of the Apex Court in the matter of **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 above Criminal Application. No useful purpose would be served by continuing the proceedings. The above Criminal Application is accordingly allowed and made absolute in terms of prayer clause (A). The above 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