

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2665 OF 2017**

Ishita Anish Lakhotia

..Petitioner

Vs.

State of Maharashtra & Ors

..Respondents

Mr. Mayur Faria i/b Mr. R. M. Agarwal for the Petitioner

Mr. J. P. Yagnik APP for the Respondent State

Mr. Anish Lakhotia Respondent No.2 in person present

**CORAM :R. M. SAVANT, &
SANDEEP K. SHINDE, JJ**

DATE : 23rd AUGUST, 2017

P.C.

1 By the above Writ Petition filed under Articles 14, 226 and 227 of the Constitution of India and Section 482 of the Criminal Procedure Code, the Petitioner (Complainant) seeks to quash and set aside the FIR No.477 of 2014 now registered as case No. RCC No.20/PW/2016, pending on the file of the Learned JMFC, Bhoiwada Court No.62, Dadar Mumbai. The said FIR was registered under Sections 498A, 406 read with Section 34 of the Indian Penal Code.

2 The Respondent No.1 herein is the husband of the Petitioner-Complainant. The Petitioner had filed the proceedings being Marriage Petition No.A-1241 of 2016 in the Family Court at Bandra Mumbai. In the said proceedings, the Petitioner and the Respondent No.1 were referred to mediation before the Marriage Counsellor, wherein both the parties have agreed to take divorce by mutual consent on certain terms and conditions

recorded on 24-5-2017. Clause (6) of the said consent terms is material and is reproduced hereinunder :

6. In view of the above settlement petitioner has agreed to quash / finalise the case filed by her under Section 498A, 406 and 34 of I.P.C. as well as forgery case filed by her against respondent and his family members pending at Metropolitan Magistrate Court at Bhoiwada. Petitioner shall make necessary application for quashing the said case to the necessary court. Respondent will co-operate for the said procedure. Petitioner also undertakes to withdraw case filed by her for D. V. Act which is pending at C. B. D. Belapur Court.

In view of the consent terms filed by the parties, the Petitioner wife seeks to quash the subject FIR registered by her against the Respondents.

3 The Petitioner is present in Court. She is identified by the Learned Counsel Mr. Mayur Faria. She is also identified by her Adhar Card No.709511249373. When put in the box and queried she admits the contents of the above Criminal Writ Petition as well as the consent terms annexed thereto. Hence in terms of the law laid down by 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 Writ Petition, the same is accordingly allowed in terms of prayer clause (b). The above Criminal Writ Petition is accordingly disposed of.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]

¹ (2012) 10 Supreme Court Cases 303

² 2014 AIR scw 2065