

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 834 OF 2017**

Sheetal Kumar Pansare & Ors

..Applicants

Vs.

The State of Maharashtra & Anr

..Respondents

Mr. S. V. Patil for the Applicants

Mr. N. V. Bhutekar for the Respondent No.2

Ms Swati Pansare nee Swati Dattatraya Adhav Respondent No.2 present

CORAM :R. M. SAVANT, &

SANDEEP K. SHINDE, JJ

DATE : 23rd AUGUST, 2017

P.C.

1 By the above Criminal Application the Applicants seeks quashing of the FIR No.89 of 2011 registered with the Chaturshrungi Police Station, Pune under Sections 498A, 323, 504, 506 with Section 34 of the IPC.

2 The FIR is an outcome of the matrimonial dispute between the Applicant No.1 and the Respondent No.2 herein who were husband and wife. The parties have filed the consent terms in the matrimonial proceedings being Marriage Petition No.A-204 of 2012 which was filed by the Applicant No.1 for divorce. The said consent terms were filed on 16-5-2017. In the said consent terms the Respondent wife has agreed to settle all the disputes unconditionally and withdraw all the allegations made against the Applicants in FIR No.89/2011 dated 20-2-2011 registered at the Chaturshrungi Police Station, Pune.

3 The Respondent No.2 i.e. the original Complainant has filed an affidavit dated 29-7-2017 sworn by her before the notary public Mumtaz Latif Inamdar, Notary Government of India, Pune, bearing notarial register No. 2738 of 2017. In paragraph 5 of the said affidavit it is mentioned that the Applicant No.1 had deposited Rs.50,00,000/- by demand draft before the Learned Family Court at Pune as and by way of one time alimony and full and final settlement of all the claims of the Respondent No.2. In paragraph 6 it is mentioned that the Respondent No.2 unconditionally withdraws all the allegations made against the Applicants in FIR No.89 of 2011 dated 20-2-2011 registered at Chaturshrungi Police Station, Pune. In paragraph 7 it is mentioned that the Respondent No.2 has no objection to the quashing of the FIR NO.89 of 2011 dated 20-2-2011 registered at Chaturshrungi Police Station, Pune and the resultant RCC No.1620 of 2011 pending before the the learned Counsel appearing for the. JMFC Court No.9, Pune, by this Hon'ble Court. The Respondent No.2 is personally present in Court. She is identified by the Learned Counsel Mr. Bhutekar. She is also identified by her Pan Card No. AILPA0454B. The Respondent No.2 when put in the box and queried states that she had affirmed the said affidavit and the signature appearing on the affidavit is her's and she has understood the contents of the affidavit. She has no objection to the proceedings being quashed. 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 & Anr², there is no impediment in allowing the above Criminal Application, the same is accordingly allowed in terms of prayer clause (a). The above Criminal Application is accordingly disposed of.

4 The Learned Counsel for the Respondent No.2 undertakes to file vakalatnama within one week from date.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]

1 (2012) 10 Supreme Court Cases 303

2 2014 AIR scw 2065