

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

CRIMINAL APPLICATION NO.920 OF 2017

Deepak Raghunath Dhawade : Applicant.
Versus
Aarti Deepak Dhawade and anr. : Respondents.

Mrs. Prabha U Badadare for the Applicant.
Ms. Trupti Khamkar for the Respondent No.1.
Mr. V B Konde-Deshmukh, Addl. PP for the Respondent/State.

**CORAM : R. M. SAVANT &
SANDEEP K. SHINDE, JJ.**
DATE : 07th September 2017

P.C.

1 The above Application has been filed for quashing and setting aside the proceedings in Sessions Case No.388/2017 pending before the Sessions Court, Greater Bombay arising out of the FIR being CR No.434/2015 registered for the offences punishable under Sections 307 and 506 of the Indian Penal Code.

2 The Petitioner and the Respondent No.1 i.e. the first informant are husband and wife and the FIR has arisen out of the matrimonial dispute between the parties.

3 The Respondent No.1 i.e. the first informant has filed her affidavit bearing today's date i.e. 07/09/2017 and sworn in this Court. It is stated in the said affidavit that the Marriage Petition No.A-1107 of 2016 is placed before the

Lok Adalat on 09/09/2017. It is further stated in the said affidavit that the Respondent No.1 has received a Demand Draft of Rs.1,00,000/- (Rupees One lakh only) as a part of the settlement amount. In the context of the relief sought in the above Application paragraph 6 of the said affidavit is material and is reproduced herein under :-

“6 I say that as we have settled our dispute amicably, I do not want to proceed with Sessions Case No.388 of 2017, pending before the the learned Counsel appearing for the. Sessions Court of Greater Bombay and as such, I do not have any objection to quash and set aside the same as prayed by the Applicant.”

The said affidavit therefore discloses that the parties have amicably resolved their dispute and therefore do not desire to proceed with the said Sessions Case.

4 The Respondent No.1 i.e. the first informant is personally present in Court. She is identified by the learned counsel appearing for her. She is also identified by her Aadhar Card bearing No.9476 6658 7722. When put in the box and queried, she states that there is a settlement arrived at between her and the Petition and that she has filed the instant affidavit dated 07/09/2017 as a consequence of the said settlement. She accepts the contents of the said affidavit and she has signed the said affidavit of her own free will and volition.

5 In view of the affidavit and the statements made by the

Respondent No.1 i.e. the first informant when put in the box, and having regard to the judgments of the Apex Court in the matter of Narinder Singh vs. State of Punjab, reported in (2014) AIR SCW 2065 and in the matter of Gian Singh vs. State of Punjab and anr. reported in (2012) 10 SCC 303 there is no impediment in quashing the proceedings in view of the amicable settlement arrived at between the parties.

6 In the light of the above the above Criminal Application is required to be allowed and made absolute in terms of prayer clause (b). The above Criminal Application is accordingly disposed.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]