

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3715 OF 2017**

Motilal Sahadev Shete & Ors

..Petitioners

Vs.

The State of Maharashtra & Anr

..Respondents

Ms Asmita Sarangdhar for the Petitioners

Ms Seema Navale for the Respondent No.2

Mrs. S. D.Shinde APP for the Respondent State

**CORAM :R. M. SAVANT, &
SANDEEP K. SHINDE, JJ
DATE : 22nd SEPTEMBER, 2017**

PC.

1 The above Petition has been filed for quashing of the FIR bearing C. R. No.1-106/2017 registered on 20-3-2017 with the Shahapuri Police Station Kolhapur for the offences punishable under Sections 498, 325A, 377, 354C read with Section 34 of the Indian Penal Code and Section 65, 66C, 66D of Information Technology Act, 2000 and Section 4 of Prohibition of Dowry Act, 1969. The said FIR has been lodged by the Respondent No.2 herein who is the wife. The Petitioner No.1 is the husband. The FIR is arising out of the matrimonial disputes between the Petitioner No.1 and the Respondent No.2. It is not necessary to dilate further on facts. The other Petitioners are the family members of the Petitioner No.1. Before the Court hearing the anticipatory bail application of the Petitioners, the parties have arrived at an amicable

settlement on 17-7-2017 which has been reduced into writing. It seems that the said settlement was arrived at under the aegis of the District Legal Services Authority, Kolhapur. The Petitioner No.1 Motilal Sahadev Shete as well as the Respondent No.2 Sneha Motilal Shete are the signatories to the said writing. In the context of the relief sought clause (f) of the writing is material. In the said clause it has been mentioned that since the offences mentioned in the FIR are cognizable in nature, the parties have to file proceedings for quashing of the FIR.

2 In terms of the said settlement arrived at between the parties, the Petitioner No.1 and the Respondent No.2 have filed proceedings in the Family Court Pune being PA/1313 of 2016 for divorce by mutual consent under Section 13(b) of the Hindu Marriage Act. The Petitioners have also filed the instant Petition. Hence the aforesaid facts disclose that the parties have amicably resolved their disputes. The Respondent No.2 first informant Sneha Shete is personally present in court. She is identified by the Learned Counsel Ms Seema Navale appearing for her. She is also identified by her Driving Licence bearing No.MH01 20080076301 issued on 9-7-2008. The said driving licence is in her maiden name Sneha Kamble. When put in the box and queried she states that the settlement which has been recorded in the proceedings for anticipatory bail is acceptable to her and as a consequence she does not desire to prosecute the proceedings arising out of the FIR lodged by

her. She further states that she has received a sum of Rs.10 lakhs as part payment of the permanent alimony. Hence in so far as the settlement is concerned, the same has also been partly acted upon.

3 The Petitioner No.1 Motilal Shete is personally present in Court. He is identified by Ms Sarangdhar the Learned Counsel appearing for him. He is also identified by his Driving Licence bearing No.20130020268 issued on 25-4-2013. When put in the box and queried he states that the settlement which is recorded in the anticipatory bail proceedings is acceptable to him pursuant to which he has paid the Respondent No.2 a sum of Rs.10 lakhs as part payment of the permanent alimony.

4 In the light of the facts as afore stated 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 Writ Petition. No useful purpose would be served in keeping the proceedings pending, the above Criminal Writ Petition is accordingly allowed and made absolute in terms of prayer clause (a) of the above Criminal Writ Petition. The above Criminal Writ Petition is accordingly disposed of.

1 (2012) 10 Supreme Court Cases 303

2 2014 AIR scw 2065

5 The Petitioner to pay costs of Rs.10,000/- to be deposited with the Maharashtra Legal Aid Fund within 6 weeks from date. Receipt to be obtained and filed in the registry.

6 The Learned Counsel Ms Seema Navale undertakes to file Vakalatnama on behalf of the Respondent No.2. Undertaking accepted.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]