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* 1/4 * WP-3908-2017 (SR.910)

Friday, 29.9.2017

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3908 OF 2017

Lakhansingh Chhotelal Chauhan

and Ors.

....Petitioners

V/s.

The State of Maharashtra

and anr.

....Respondents

* * * * *

Mr. Raviraj S. Gamare, Advocate for the petitioners.

Ms. S.V. Sonawane, APP for State, respondent no.1.

Ms. Vidya Chaudhari, Advocate for respondent no.2.

CORAM :-

R.M. SAVANT &

SANDEEP K. SHINDE, JJ.

DATE :-

29TH SEPTEMBER, 2017.

P.C. :-

1. The above writ petition has been filed for quashing the FIR being C.R. No.I-104 of 2017 dated 6th April, 2017 registered with the Ambernath Police Station (now transferred to Kharghar Police Station) for offences punishable under Sections 498A, 406, 504 and 506 of the

Indian Penal Code. The FIR had arisen out of the dispute between the petitioner no.1, Lakhansingh Chhotelal Chauhan and the respondent no.2, who are the husband and wife. It is not necessary to dilate further on facts. The parties have amicably resolved their dispute and have tendered consent terms bearing today's date i.e. 29th September, 2017 through the Learned Counsel who are appearing in the above writ petition. In the context of the relief sought in the above petition, para-4 of the said consent terms is material and is reproduced hereinunder :-

“4. In view of the above settlement it is prayed that FIR No. (C.R.) I-104 of 2017 registered on 06.04.2017 for offence allegedly under Sections 498(A), 406, 504, 506 Indian Penal Code, 1860 against the Present Petitioners and investigation is pending be quash and set aside.”

2. The respondent no.2, i.e. the First Informant has filed her Affidavit dated 25th September, 2017 sworn before this Court. In the said Affidavit also, in para-8, the respondent no.2 has stated that the FIR be quashed and set aside in view of the settlement between her and the

petitioner no.1. The said para-8 is reproduced hereunder for the sake of ready reference.

“8. I say and submit that in view of the settlement by and between the me and Petitioner No.1 hereto I consent and concede for the quashing and setting aside C.R. No. I-104/2017 dated 06.04.2017 for offence allegedly under Sections 498(A), 406, 504, 506 Indian Penal Code, 1860 registered with the respondent no.1 and presently pending for investigation be quashed against the Petitioners.”

3. Hence, the consent terms bearing today's date signed by the parties and the Affidavit filed by respondent no.2, indicate that the parties have amicably resolved their dispute. The respondent no.2 is personally present in Court. She is identified by the Learned Counsel Ms. Vidya B. Chaudhari appearing for her. She is also identified by her Aadhar Card bearing No.4486 7426 1976. When put in the box and queried, she states that the consent terms tendered by the Learned Counsel are acceptable to her, as also, the Affidavit dated 25th September, 2017 tendered today. She states that she does not want to prosecute the FIR.

4. The petitioner no.1 is also personally present in

the Court. He is identified by the Learned Counsel Mr.

Gamre appearing for him and the other petitioners. He is identified by his Aadhar Card bearing No.2637 8894 5337. When put in the box and queried, he states that the consent terms are acceptable to him and that he has also seen the Affidavit filed by his wife, i.e. the First Informant who is the respondent no.2.

5. Having regard to the aforesaid facts and in the light of the judgments of the Apex Court in the case of **Gian Singh v/s. State of Punjab, reported in (2012) 10 SCC 303** and **Narinder Singh V/s. State of Punjab, reported in (2014) 6 SCC 466**, no useful purpose would be served by keeping the proceedings pending. Hence, there is now no impediment in quashing the proceedings, the above Writ Petition is accordingly allowed and made absolute in terms of prayer clause (b). The Writ Petition stands disposed of.

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)