

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1297 OF 2014

Mr. Rahul Dattatray Pate

& Ors.

....Applicants

V/s.

The State of Maharashtra & Anr.

....Respondents

Mr. P.G.Sawant, Advocate for Applicant.

Mr. V.B.Konde-Deshmukh, APP for the Respondent-State.

Mr. Ashish Dhuri i/by Mr. N.M.Jadhav, Advocates for Respondent No.2.

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

DATE :- 24TH AUGUST, 2017.

PC. :-

The above Criminal Application seeks quashing of the FIR bearing no.147 of 2013 registered with the Narayangaon Police Station, Pune on 18.5.2013 under Sections 498A, 313, 420 and 34 of IPC. The FIR has arisen out of the matrimonial dispute between the Applicant No.1 and the Respondent No.2, who are husband and wife. The first informant, i.e., the Respondent No.2 has filed her affidavit dated 15.1.2015 sworn before the Notary Public Mr. N.Raja and having Notarial Registration No.794 dated 15.1.2015. In the

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context of the reliefs sought in the present Application, the second last paragraph on page 23 and the last unnumbered paragraph on the said page are material and are re-produced hereunder:

“ I further say that as per our understanding that the Respondent No.2 will withdraw the allegations against all the Applicants i.e., the Original Accused Nos.1, 2 and 3 and the Applicants will file this present Application under Section 482 of the Criminal Procedure Code before this Hon'ble Court and the Respondent No.2 i.e. myself will give her wilful consent for the same by filing an affidavit of declaration before this Hon'ble Court.

I am therefore on oath hereby declare that I willfully withdraw all the allegations and the contentions narrated by me reducing in writing the First Information Report bearing No.147/2013 dated 18/05/2013 with the Respondent No.1 and further consent for any directions of this Hon'ble Court for discharging and/or dropping the proceedings against the Applicants i.e., the Original Accused in the First Information Report bearing No.147 of 2013 registered with the Respondent No.1 on the strength of this present affidavit of declaration. I further say that I will not make any claim henceforth against the said withdrawal of allegations by me in future.”

Hence, the reading of the aforesaid paragraphs discloses that the parties have now cleared the misunderstanding between them and have reached an amicable settlement pursuant to which the Respondent No.2 has given her consent for quashing of the FIR in question. The Respondent No.2 is personally present in the Court. She is identified by the learned counsel Mr. Ashish Dhuri. She is also identified by her Aadhar Card bearing No.6921 4848 8344. When put in the box and queried, she states that the affidavit 15.1.2015 is hers. She has signed the affidavit of her own free will and volition and the contents of the said affidavit are acceptable to her. The Applicant No.1 Rahul Dattatray Pate is also personally present before the Court. He is identified by the learned counsel Mr. PG.Sawant. He is also identified by his Aadhar Card No.5498 0415 6151. When put in the box and queried, he states that settlement arrived at between the parties is acceptable to him. In view of the affidavit dated 15.1.2015 as also having regard to the judgment of the Apex Court in the case of **Narinder Singh v. State of Punjab** reported in (2014) 6 SCC 466, there is no impediment in quashing the proceedings though the offences alleged are non-compoundable.

Dictum of the Supreme Court in **Gian Singh v. State of Punjab** reported in **(2012) 10 SCC 303** would also lead to the same conclusion. No useful purpose would therefore be served by keeping the proceedings pending. Hence, the above Criminal Application is accordingly allowed and made absolute in terms of prayer clause (a).

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)