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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1246 OF 2017

1. Mr. Ravi Arvind Ratanpal and ors. .. Petitioners

Vs.

1. The State of Maharashtra and anr. .. Respondents

Ms. Neelam Ghorpade i/by Mrs. Taubon F. Irani for petitioners.

Mr. K. V. Saste, APP for State.

Mr. Farhan Khan and Ms. Sheela K. Mistry for respondent no.2.

CORAM: NARESH H. PATIL &
NITIN W. SAMBRE, JJ.

DECEMBER 22, 2017.

P.C.

1. Rule. Rule made returnable forthwith. Heard finally by consent of parties.

2. The petitioners and the respondent no.2 – complainant seek quashing of FIR bearing No. 358 of 2014 registered with Goregaon Police Station and consequent proceeding i.e. C. C. No. 6701053/PW/2015 filed at the MM 67th Court, Borivali. The parties have mutually settled the disputes between them.

3. The respondent no.2 – complainant married the petitioner no.1 – Ravi Arvind Ratanpal on 21/6/2014. The respondent no.2 – complainant, after marriage, started residing with the petitioner no.1 and in-laws in Mumbai. It is submitted that both the petitioner no.1 and respondent no.2 are residents of Mumbai. Respondent No. 2 is a medical graduate by profession and the petitioner no.1 is M.B.A. A petition was filed by husband for divorce in the Family Court which is still pending. It is submitted that parties would be filing an application for converting the said petition into a petition for divorce by mutual consent on the next date of hearing before the Family Court i.e. on 12/1/2018. In the Family Court the issue was referred to the mediation. The mediation agreement dated 6/12/2017 is placed on record at Exhibit “E”. In the Family Court, parties arrived at consent terms dated 6/12/2017, which are also placed on record at Exhibit “D”.

4. The respondent no.2 – complainant Dr. Amrita Virendrapal Verma filed affidavit dated 19/12/2017. In paras 3 and 4 the affiant states as under :

“3. I say that, myself and Petitioner No.1 to 5, have arrived at an out of court amicable settlement vide consent term dated

6th December 2017 and hence we are agreeing subject to the resolution of the consent terms. The consent terms dated 6th December 2017, are annexed as Exhibit D in the writ petition No. 1246 of 2017 filed by the Petitioners No.1 to 5 before this Hon'ble Court.

4. In view of the consent terms dated 6th December 2017, the Divorce petition A No.101798/2015 filed by the Petitioner No.1 before the Hon'ble Family Court Bandra, will now be converted into a petition for divorce by mutual consent by making an appropriate application under section 13-B of the Hindu Marriage Act on 12 January 2018. I say that subject to the resolution of the consent terms filed, I have agreed to give no objection for quashing the above case.”

5. The respondent no.2 is present in court along with her brother Niraj Verma. The complainant is identified by her lawyer.

6. We have perused the record, considered the submissions advanced. The learned APP too submits that as case relates to matrimonial dispute and as parties are mutually agreeing, necessary orders be passed.

7. In view of the afore-stated facts and circumstances and as

parties have reached mutual settlement, we find that ends of justice would meet if the parties are allowed to get the FIR and the consequent proceeding quashed. It is submitted that consequent to quashing of the FIR and proceeding, necessary application would be filed before the Family Court, Bandra, Mumbai so that dispute between the parties get resolved once for all.

7. The application is allowed. The FIR bearing No. 358 of 2014 registered with Goregaon Police Station for offences under Sections 498-A, 354(A), (3), 504, 509, 406 read with Section 34 of the IPC and 2(1)(b) of the Maharashtra Prevention and Eradication of Human Sacrifice and Other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013 and the consequent proceeding bearing C.C. No.6701053/PW/2015 pending on the file of MM 67th Court, Borivali against accused – Ravi Arvind Ratanpal, Mina Arvind Ratanpal, Amit Arvind Ratanpal, Uresha Amit Ratanpal and Arvind Ratanpal are quashed and set aside.

8. Rule is made absolute in the above terms.

(NITIN W. SAMBRE J.)

(NARESH H. PATIL,J.)