

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 13 OF 2018**

Anant Ramchandra Gore & Ors. ...Petitioners
Versus
The State of Maharashtra & Anr. ...Respondents

Mr. S. C. Gurav for the Petitioners

Mr. Deepak Thakare, P.P. a/w Dr. F. R. Shaikh, A.P.P for the Respondent No.1-State

Ms. Minal M. Kamble for the Respondent No. 2

**CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.
THURSDAY, 5th JULY, 2018**

P.C. :

1 The above Petition has been filed for quashing and
setting aside of the charge-sheet bearing No. 3599 of 2008 dated 1st
December 2008. The said charge-sheet has been filed in FIR No. 455
of 2008 registered with the D. N. Nagar Police Station, Mumbai, for
the offences punishable under Sections 498A, 406, 114 and 34 of the
Indian Penal Code, 1860. The said FIR, in turn, has arisen on account
of the marital discord between the Petitioner No.1 and the Respondent
No.2, who were, at the relevant time, husband and wife.

2 It seems that the parties were also before the Family Court in Marriage Petition No. F-987 of 2017, which they have filed for seeking divorce by mutual consent under Section 13B of the Hindu Marriage Act. The said Petition came to be allowed by the Family Court by judgment and order dated 13th October 2017. Resultantly, the marriage between the Petitioner No. 1 and the Respondent No. 2 came to be dissolved by a Decree of Divorce.

3 The Respondent No. 2 has filed an affidavit in the above Petition, which affidavit is dated 29th January 2018. The said affidavit is affirmed before Mr. Ramakant L. Yadav, Notary, Government of India, having his Registration No. 2861. In the context of the present Petition, paragraph 5 of the said affidavit is material and is reproduced hereinunder :

“5. I say that I have no objection, whatsoever, for quashing of proceedings arising out of C.R. No. 455/2008 dated 12.11.2008, registered by D.N. Nagar Police Station bearing C.C. No. 3599/PW/2008, pending before Court room no. 10 of Metropolitan Magistrate, Andheri.”

4 The Respondent No.2-Nakusha Shinde, formerly known as Anjali Anant Gore, is personally present in Court. She is identified

by the learned counsel Ms Minal Kamble. She is also identified by her Aadhar Card bearing No. 445600532368. When put in the box and queried, she states that she has read and understood the contents of the said affidavit dated 29th January 2018, which is filed on her behalf in the above Petition. She states that she has filed the said affidavit in view of the settlement between the parties as reflected by the Decree of Divorce which the parties have obtained in the Family Court. She further states that she has filed the said affidavit of her own free will and volition.

5 The Petitioner No.1-Anant Ramchandra Gore is personally present in Court. He is identified by the learned counsel Mr. S. C. Gurav. He is also identified by his Aadhar Card bearing No. 565179197596. When put in the box and queried, he accepts the factum of the Decree passed by the Family Court in the Petition filed by him and the Respondent No.2 for a Decree of Divorce by mutual consent.

6 Having regard to the Decree passed by the Family Court dated 13th October 2017, the affidavit filed by the Respondent No.2 and the statements made by the Respondent No.2 and the Petitioner No.1 when put in the box and queried, the same lead to a conclusion that the parties have settled their dispute, as a result of which, the Respondent No.2 is not desirous of proceeding with the case in question.

7 Having regard to the judgments of the Apex Court in the matters of *Gian Singh vs. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. vs. State of Punjab & Anr.*², no useful purpose would be served in keeping the proceedings in question pending. The above Criminal Writ Petition is required to be allowed and is accordingly allowed and made absolute in terms of prayer clause (a).

8 The above Criminal Writ Petition is accordingly disposed of.

REVATI MOHITE DERE, J.

R. M. SAVANT, J.

1 (2012) 10 SCC 303
2 2014 AIR SCW 2065