

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.22 OF 2015

Shikha Amit Rana @

Miss Shikha Sharad Pathak

D/o. S. P. Pathak

: Petitioner.

Versus

State of Maharashtra and anr.

: Respondents.

Mr. Sandeep Waghmare for the Petitioner.

Mr. V B Konde-Deshmukh, Addl.PP for the Respondent/State.

Mr. Hitesh P Vyas for the Respondent No.2.

**CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.**

DATE : 20th JUNE 2018

P.C.

1 Taken out of turn at the request of the learned counsel for the parties.

2 The above Writ Petition has been filed for quashing of the FIR being No.276 of 2014 registered with Yerawada Police Station, Pune punishable under Section 379 of Indian Penal Code. The said FIR is the consequence of the marital discord between the Petitioner and the Respondent No.2 who are wife and husband.

3 The parties it seems were before the High Court of Delhi in Criminal Misc. Case No.2517 of 2016 and Criminal Misc. Case No.2518 of 2016 which arose out of the order of maintenance passed by the Family Court,

Delhi. It is in the said proceedings that the parties were referred to the Mediation and Conciliation Centre, High Court of Delhi. In the process of mediation the parties arrived at a settlement which was reduced into writing by way of Settlement Agreement dated 26/09/2017. The said Settlement Agreement is exhaustive in nature and covers various aspects. However, in so far as the present FIR is concerned, a reference to it is made in clause (f). The parties have agreed to co-operate with each other for getting the various proceedings quashed including the present FIR. Clause (f) of the Settlement Agreement is reproduced herein under for the sake of ready reference :-

“(f) The First Party shall file an appropriate petition before the Hon'ble High Court of Delhi for quashing of the above said FIR bearing no.0794/14 u/s 498-A/406/34 IPC r/w S.3 of Dowry Prohibition Act, P. S. Bhajanpura, Delhi, titled as State v. Amit Rana & ors. pending before Ms. Preeti Aggarwal. Learned MM (Mahila Court), North-East District, Karkardooma Court, Delhi and all proceedings arising thereto and any other complaint/FIR that may have been filed by the parties against each other within 10 days of the recording of the statement in the second motion / grant of decree of divorce. The first party shall make the balance payment of Rs.40,00,000/- (Rupees Forty Lakhs only) by way of demand draft to the second party before the Hon'ble High Court of Delhi at the time of quashing of the above said FIR. The first party shall give necessary NOC and affidavit in the quashing petition No.WP/22/2014 and APL 1035/2015 pending before the Hon'ble High Court of Bombay at Mumbai within 10 days from the allowing of the petition of second motion. The First and Second Party shall sign all documents/petitions/applications/affidavits and shall co-operate in getting the above said FIR and any other complaint / FIR that may have been filed quashed by

appearing and making the necessary statement(s) before the Hon'ble High Court of Delhi in this regard.”

4 The Respondent No.2 i.e. the first informant Shri Amit Laxman Singh Rana has filed an affidavit bearing today's date i.e. 20/06/2018 and affirmed in this Court today. In the said affidavit a reference is made to the Settlement Agreement dated 26/09/2017 and thereafter in paragraph 6 no objection of the Respondent No.2 to the quashing of the FIR is recorded. The said paragraph 6 is reproduced herein under for the sake of ready reference :-

“6 I say that in terms of the settlement agreement dated 26-09-2017, I have no objection if the said FIR No.276/2014 registered with Yerawada Police Station, Pune for the offences punishable u/s 379 of IPC is been quashed and set aside.”

To the said affidavit is annexed the Settlement Agreement and the decree passed by the Family Court in terms of the said settlement. The affidavit and the annexures thereto are paginated from 1 to 23.

5 The Respondent No.2 Amit Singh Rana is personally present in Court. He is identified by the learned counsel Shri H P Vyas. He is also identified by his Aadhar Card bearing No.984167941235. When put in the box and queried, he states that he has read and understood the Settlement Agreement which was filed in the High Court of Delhi. He further states that the affidavit dated 20/06/2018 tendered today by the learned counsel H P

Vyas is his. He has read and understood the contents of the said affidavit. He lastly states that in view of the settlement between the parties, he does not desire to proceed with the FIR in question.

6 The Petitioner Mrs. Shikha Amit Rana is personally present in Court she is identified by the learned counsel Shri Sandeep Waghmare. She is also identified by her PAN Card bearing No.ALTPP9863C. When put in the box and queried she accepts the factum of the settlement between her and the Respondent No.2.

7 Having regard to the Settlement Agreement dated 26/09/2017, affidavit filed by the Respondent No.2 dated 20/06/2018, the statements made by the Respondent No.2 and the Petitioner when put in the witness box and queried as also having regard to the decree of divorce passed by the Family Court, Delhi, no useful purpose would be served in proceeding with the FIR in question.

8 A useful reference could be made to the judgments of the Apex Court in the matter of Gian Singh V/s State of Punjab & Anr-reported in (2012) 10 SCC 303 and Narinder Singh & ors v/s. State of Punjab & Anr reported in 2014 AIR SCW 2065 which would assist in quashing the FIR in question.

9 The above Criminal Writ Petition is required to be allowed and is accordingly allowed and made absolute in terms of prayer clause (a). The above Criminal Writ Petition is accordingly disposed of.

10 The Petitioner and the Respondent No.2 to deposit costs of Rs.10,000/- each with the National Association of Blind, Worli, Mumbai within six weeks from date. Receipts to be obtained and filed in the Registry of this Court.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]