

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 56 OF 2018

Mr.Krishna Rajgopal Menon
Aged -- 39 years,
Occ.- Business
residing at 21/1B, Kalpataru
Aura, Ghatkopar (West),
Mumbai - 400 086.

.. Petitioner

Vs.

1. The State of Maharashtra
(Parksite Police Station,
C.R.No. 244 of 2016)

2. Mrs.Parul Krishna Menon
Age - 36 years,
Residing at C-205, Great
Eastern Gardens, Kanjurmarg
(West), Mumbai - 400 078.

.. Respondent

Ms.Yogini Abhay Ugale, for the Petitioner.
Mr.Sagar Suresh Bhandare, for Respondent No.2.
Mr.Arfan Sait, APP for State.

**CORAM : SMT. V.K.TAHILRAMANI ACTING C.J.
AND M.S.KARNIK, J.**

01st FEBRUARY, 2018

ORAL JUDGMENT (PER SMT. V.K.TAHILRAMANI ACTING C.J.) :

1. Rule. By consent rule is made returnable forthwith and the matter is heard finally.
2. The petitioner is seeking quashing of FIR viz. C.R.No. 244 of 2016 of Parksite Police Station, Vikhroli, Mumbai. The said case is under Sections 498A, 420, 504 & 506 of IPC.
3. Heard learned Counsel for the petitioner - accused, learned Counsel for the respondent No.2 - original complainant, and learned APP for State.
4. The petitioner as well as respondent No.2 - complainant are present before the Court. The complainant stated that the dispute is a matrimonial dispute and the parties have amicably settled the matter among themselves. She has stated in the affidavit that she submitted a letter to the Parksite Police Station, Mumbai stating therein that she does not wish to proceed with the said case. She has also withdrawn the case filed by her under the Protection of Women from Domestic Violence Act, 2005. She has also filed affidavit to the said effect

which is annexed at Exhibit 'E' to the Petition.

5. In view of the facts of this case, we are of the opinion that the present case would clearly be covered by the decision of the Supreme Court in the case of **Gian Singh Vs. State of Punjab and anr. (2012) 10 SCC 303**. Looking to the fact that matter has been amicably settled between the parties and looking to the fact that the complainant does not wish to proceed with her case, we are of the opinion that no purpose would be achieved by continuing with the prosecution in the said case. In this view of the matter, FIR viz. C.R.No. 244 of 2016 of Parksite Police Station, Vikhroli, Mumbai and proceedings relating thereto are quashed.

6. Rule is made absolute in the above terms.

(M.S.KARNIK, J.)

(ACTING CHIEF JUSTICE)