

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINA WRIT PETITION NO. 99 OF 2018**

Prashant Balkrishna Somani .. Petitioner

Vs.

The State of Maharashtra and Ors. .. Respondents

WITH

CRIMINAL WRIT PETITION NO. 3934 OF 2013

Balkrishna Timayya Samani and Anr. .. Petitioners

Vs.

The State of Maharashtra & Ors. .. Respondents

....

Mr. Rakesh Agrawal Advocate for Petitioners

Mrs. G.P. Mulekar A.P.P. for the State

Mr. Y.S. Singh Advocate for Respondent No.2

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

DATED : FEBRUARY 06, 2018

ORAL JUDGMENT [PER SMT. V.K.TAHILRAMANI, ACTING C.J.]:

1 Criminal Writ Petition No. 3934 of 2013 is not on board. Upon mentioning, the same is taken on board as the connected matter is on board.

2 The petitioner in Cri. W.P. No. 99 of 2018 is the husband of the complainant. The petitioner is seeking quashing of F.I.R. 57 of 2013 of Dahisar Police Station in which he is an accused. The petitioners in Cri.W.P. No. 3934 of 2013 are the parents of the petitioners in Cri. W.P.No. 99 of 2018 and they are the in-laws of the complainant. They are also accused in FIR 57 of 2013 and are seeking quashing of the very same F.I.R. No.57 of 2013 of Dahisar Police Station. The said case is under Sections 498-A, 406 and 500 of IPC.

3 Heard the learned counsel for the petitioners in both the petitions i.e. original accused nos. 1 to 3 in CR No. 57 of 2013 and learned counsel for respondent no.2 - original complainant in both the petitions and the learned A.P.P. for the State. Rule in both the petitions. By consent, rule is made returnable forthwith and the matters are heard finally.

4 The complainant in FIR 57 of 2013 of Dahisar Police Station is present before us. She has stated that the said F.I.R. was lodged on account of matrimonial dispute and now dispute has been amicably settled between her and her husband and in-laws, hence, she has prayed that the said F.I.R. and

proceedings relating thereto be quashed. She has also tendered affidavit to the above effect along with copy of her Aadhar Card which are taken on record and marked “X-colly.” for identification. In this view of the matter, the case would be covered by the decision of the Supreme Court in the case of ***Gian Singh Vs. State of Punjab*** reported in **2012 (10) SCC 303.**

4 Looking to the fact that the matter has been amicably settled between the parties and looking to the fact that the complainant does not wish to pursue her case against the petitioners and the complainant is seeking quashing of the 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, F.I.R. 57 of 2013 of Dahisar Police Station and the proceedings relating thereto are quashed.

5 Rule is made absolute. Writ Petitions are allowed and are disposed of accordingly in above terms.

M.S.KARNIK, J.

ACTING CHIEF JUSTICE

