

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 259 OF 2017**

Shailesh Muljibhai Dhandhukiya & Ors

..Petitioners

Vs.

State of Maharashtra

..Respondent

**WITH
CRIMINAL WRIT PETITION NO.260 OF 2017**

Shailesh Muljibhai Dhandhukiya & Ors

..Petitioners

Vs.

State of Maharashtra

..Respondent

**Ms Archana Rupwate a/w Ms Bhavana Mhatre i/b Mr. Y. R. Amrutkar for
the Petitioners**

Mr. B. A. Bhakad for the Respondent No.2

Mr. A. R. Kapadnis APP for the State

**CORAM :R. M. SAVANT, &
SANDEEP K SHINDE,JJ**

DATE : 22nd JANUARY, 2018

P.C.

1 The above Petitions have filed for quashing of the FIR being No.I-294 of 2016 registered with the Manikpur Police Station, District Palghar for offences punishable under section 498A, 406, 323, 504, 506 and 34 of the Indian Penal Code and FIR being No.I-328 of 2016 dated 19-10-2016 for the same offences registered with the Kapurbawadi Police Station, Thane.

2 The Respondent No.2 and the Petitioner No.1 were married on 17-8-2013 and the FIRs have arisen out of the matrimonial disputes between the

parties. The first informant i.e. the Respondent No.2 herein Maya Shailesh Dhandhukiaya has filed her affidavits in the above Petitions which are identical in nature and to which is annexed the Settlement Agreement dated 20-12-2017 arrived at between the parties. The said Settlement Agreement has been executed before the Advocate and Notary Smt. Jyoti Vartak having her office at Panchal Ali, Wagholi Gaon, Po. Nirmal, Tal Vasai, Dist Palghar 401304. The said Settlement Agreement is running into 5 pages. In the context of the relief sought in the above Petitions, paragraphs 3 and 4 of the said affidavit are material and are reproduced hereinunder:

3. I say that the differences and disputes between me and the Petitioner No.1 and other Petitioners has been settled out of court and both of us have entered into a settlement agreement. Hereto annexed and marked Exhibit A is a copy of the settlement agreement.

4. I say that the annexed settlement has been signed by me with my free will and complete knowledge.

In so far as the Settlement Agreement is concerned, paragraph (g) of the said Settlement Agreement is material and is reproduced hereinunder:

(g) That both the parties herein have instituted various proceedings in the the learned Counsel appearing for the Vasai and Thane Courts as well before the Hon'ble High Court at Bombay. All the said proceedings will be withdrawn by the respective parties who have instituted the same without any order as to the cost. Both the parties have agreed to cooperate each other for taking

necessary steps for withdrawing the cases pending in various courts and will also agreed to attend the court if require.

3 The Respondent No.2 is personally present in Court. She is identified by the Learned Counsel Mr. Bhakad. She is also identified by her Adhar Card bearing No.374226106185 which is in her maiden name Maya Tribhovan Raval. When put in the box and queried she states that the Affidavits tendered today by the Learned Counsel are her's and that she and her husband have entered into a Settlement Agreement which is annexed to the Affidavit and that the contents of the Settlement Agreement are acceptable to her and that she has signed the Settlement Agreement as well as the Affidavits of her own free will and volition. She states that in view of the settlement arrived at between the parties, she does not desire to proceed with the FIR.

4 The Petitioner No.1 Shailesh Dhandhukiya is personally present in Court. He is identified by the Learned Counsel Ms Archana Rupwate and Ms Bhavana Mhatre. He is also identified by his Adhar Card bearing No. 416202787971. He states that there is a settlement between him and his wife as a result of which they have entered into a Settlement Agreement on 20-12-2017, which is annexed to the Affidavits of the Respondent No.2. He further states that it is in view of the settlement between the parties that they do not want to proceed with various proceedings which they have filed against each

other, as a consequence the Respondent No.2 desires not to proceed with the FIRs lodged by her.

5 In view of the Affidavits filed by the Respondent No.2 to which is annexed the Settlement Agreement dated 20-12-2017, as also having regard to the statements made by the Respondent No.2 and the Petitioner No.1 when put in the box, the same reveals that the parties have amicably resolved their disputes and having regard to the judgments of the Apex Court in the matter of **Gian Singh Vs. State of Punjab & Anr.¹** and **Narinder Singh & Ors. Vs. State of Punjab & Anr.²**, there is no impediment in allowing the above Criminal Writ Petitions. No useful purpose would be served in keeping the proceedings pending, the above Criminal Writ Petitions are accordingly allowed and made absolute in terms of prayer clause (b). The above Criminal Writ Petitions are accordingly disposed of.

6 In view of the fact that the machinery of this Court has been used to settle the dispute, it would be just and proper that the Petitioner No.1 and the Respondent No.2 to deposit costs of Rs.5,000/- each with the Maharashtra Legal Aid Fund within 4 weeks from date, receipt to be obtained and filed in the registry.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]

¹ (2012) 10 Supreme Court Cases 303

² 2014 AIR scw 2065