

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

**CRIMINAL WRIT PETITION NO.347 OF 2018**

Ajaypal Singh Sethi S/o.  
Harsharan Singh Sethi & Ors.

.... Petitioners

versus

State of Maharashtra & Anr.

... Respondents

.....

- Ms. Aneeta Vasani a/w Mr. Omprakash Pandey, Advocate for the Petitioners.
- Mr.K.V. Saste, APP for the State/Respondent.
- Mr.Vinod Patel i/b. Mr.Paramvir G. Narula, Advocate for Respondent No.2.

**CORAM : R. M. SAVANT &  
SARANG V. KOTWAL, JJ.**  
**DATE : 03<sup>rd</sup> APRIL, 2018.**

**P.C. :**

1. The above Writ Petition has been filed for quashing of the proceedings being C.C.No.147/PW/2015 pending on the file of the learned Metropolitan Magistrate, 10<sup>th</sup> Court, Andheri, Mumbai. The said case has arisen out of FIR No.384/14 dated 20/06/2014, registered with the Panvel City Police Station, Navi Mumbai, for the offence punishable u/s 377, 498-A, 325, 354,

298, 323, 504, 506 of the Indian Penal Code. The said FIR has arisen out of the matrimonial dispute between the Petitioner No.1 and the Respondent No.2, who are husband and wife.

2. The parties were before the learned J.M.F.C., Panvel in the proceedings filed by the Respondent No.2 under the Domestic Violence Act, being MA No.1065/14. In the said proceedings parties were referred to mediation. It is pursuant to the said mediation that the parties arrived at a settlement, which is reduced into writing by way of Consent Terms dated 05/12/2017. The said Consent Terms have been signed by the first informant, who was the Applicant and by the Petitioners herein, who were the Respondent Nos.1 to 4 in the said application. In the context of the relief sought in the above Writ Petition clause (3), (8) and (10) of the said Consent Terms are material and are reproduced hereinunder;

*“3. It is agreed by and between Applicant/ Complainant and Respondents 1 to 4 that the Respondents 1 to 4 have agreed to pay a sum of*

*Rs.8,00,000/- (Rupees Eight Lakhs Only) to the Applicant/Complainant as a permanent alimony charges towards full and final settlement of her claim.*

8. *That it is agreed and declared by and between the parties that the Respondent 1 agreed and undertakes that he shall withdraw complaint S.W.No.375 of 2015 pending in the court of Metropolitan Magistrate, Andheri immediately after signing the Consent Terms. In furtherance of the same the Respondent shall cooperate the Complainant for quashing the Complaint (summary case) S.W.No.375/2015 when the Complainant files Writ Petition in the High Court Bombay immediately after signing the consent terms.*
10. *That it is agreed and declared by and between the parties that Applicant/Complainant agreed and undertakes that **Applicant/Complainant shall cooperate with Respondent No.1 to convert Petition No.A2154/2014 into Mutual Consent Divorce u/s 13B of Hindu Marriage Act 1955, which is pending before Family Court, Bandra immediately from date of filing of Consent Terms and get the said marriage dated 03.06.2012 dissolved.***

3. The learned Counsel appearing on behalf of the Petitioner has tendered a compilation of documents evidencing the fact that the Consent Terms have been complied with and more especially clause (3), (8) and (10) thereof. In terms of the clause (3) amount of Rs.8 lakhs have been paid to the Respondent No.2, in support of which the certificate dated 29/01/2018 of the Corporation Bank is annexed which is part of the compilation. In terms of clause (8) the order dated 23/03/2018 passed by the learned MM, 10<sup>th</sup> Court, Andheri, disposing of the C.C. No.375/SW/2015 as withdrawn, is annexed. In terms of clause (10) operative part of the order passed by the Family Court dated 08/02/2018, by which decree of divorce is granted, is annexed. Insofar as Stridhan is concerned, the order dated 15/02/2018 passed by the learned MM, 10<sup>th</sup> Court, Andheri, Mumbai, directing the return of the Stridhan to the Respondent No.2, is annexed subject to the condition mentioned therein.

4. From the compilation it can be seen that the

Respondent No.2 has also filed an affidavit whilst the parties were before the Family Court, Bandra, in the said Marriage Petition No.2154/14 in the said affidavit the Respondent No.2 has agreed to cooperate in quashing of the instant Criminal proceedings. Hence the aforesaid facts unequivocally indicate that the parties have settled the matter and that there no longer remains any dispute between the parties.

5. The Respondent No.2 also fairly accepts the factum of the matter being settled as a result of the Consent Terms being complied with by the Petitioners. The learned Counsel further states that the Respondent No.2 has now no grievance remaining against the Petitioner and that the Respondent No.2 has no objection to the proceedings being quashed.

6. Having regard 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, there is no

impediment in allowing the above Criminal Writ Petition. No useful purpose would be served in keeping the proceedings pending.

7. The above Writ Petition is accordingly allowed in terms of prayer clause (b). The proceedings under CC/147/PW/2015 pending on the file of learned MM, 10<sup>th</sup> Court, Andheri, would accordingly stand quashed and set aside. The Petitioners to pay costs of Rs.10,000/- to be deposited with the State Legal Aid Fund, within six weeks from date. Receipt to be obtained and filed in the Registry.

**(SARANG V. KOTWAL, J.)**

**(R. M. SAVANT, J.)**