

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.201 OF 2018

Mr. Amit P. Savalkar & Ors. Applicants

Vs.

The State of Maharashtra & Anr. Respondents

Mr. A.A. Sontakke for the Applicants.
Mr. Sudhir I. Nandole for Respondent no.2.
Mrs. M.H. Mhatre, APP for the Respondent-State.
Petitioner and Respondent no.2 present

Coram : R.M. Savant AND
Sarang V. Kotwal, JJ
Date : 26th March, 2018

P.C.

1 At the outset, leave to amend is granted so as to incorporate the prayer for quashing of the proceedings. Leave granted. Amendment to be carried out forthwith.

2 The above petition has been filed for quashing of the proceeding bearing R.C.C. No. 820 of 2017. The same arises out of C.R. No.201 of 2016 registered against the applicants by the

Kalwa Police Station, Thane on 19th July 2016, for the offences punishable under Sections 498-A, 406, 420, 323, 504, 506 read with 34 of the Indian Penal Code. The said F.I.R. can be said to have arisen out of the matrimonial dispute between the applicant no.1 and the respondent no.2 herein, who are husband and wife. The parties were before the Family Court in Nashik in a marriage petition. In the said proceedings, the parties have arrived at a settlement, which is reduced into writing by way of consent terms. In the context of the reliefs sought in the said application, Clause 3 of the said consent terms is material. In terms of Clause (3), the parties have agreed to co-operate in quashing of the proceedings being R.C.C. No. 820 of 2017 on account of the consent terms, which have been arrived at between the parties. The respondent no.2 i.e. the first informant has also filed an affidavit, which is sworn today in this Court. Paragraph 4 of the said affidavit assumes importance and is therefore reproduced hereinunder for the sake of ready reference.

'4 I say that I have received all my sridhan mentioned in the consent terms annexed to the present application today and further all the terms have been complied with. Hence, I do not have any grievance with the applicants and I give my no objection to quash the above mentioned F.I.R. registered against the present applicants.”

Hence, reading of paragraph 4 discloses that the first informant i.e. the respondent no. 2 herein has no objection if the F.I.R. and thereafter the proceedings arising therefrom are quashed. The respondent no. 2 is personally present in Court. She is identified by the learned counsel, Mr. Sudhir Nandole. She is also identified by her Adhar Card bearing No.6490 5010 5006, which is in her maiden name as 'Swati Kewalkumar Sonawane'. When put in the box and queried, she states that she accepts the factum of the consent terms being filed in the Family Court at Nashik. She states that the consent terms are acceptable to her and that she has signed them of her own free will and volition. She further states that the affidavit tendered today by the learned counsel is hers and that she has read and understood

the contents of the said affidavit and that she has signed the said affidavit of her own free will and volition.

3 The applicant no.1 Amit Prakash Savalkar is also personally present in Court. He is identified by the learned counsel, Shri. A.A. Sontakke. He is further identified by his Election Identity Card bearing no.AHI2479897. When put in the box and queried, he accepts the factum of the settlement arrived at between him and the respondent no.2, as a consequence of which, the respondent no.2 does not desire to proceed with the proceedings. Hence, having regard to the consent terms filed in the Family Court between the parties, the affidavit filed by the respondent no.2, the statements made by the respondent no.2 and the applicant no.1, when put in the box and queried, the same would unequivocally lead to a conclusion that the parties have settled their dispute, as a consequence of which the respondent no. 2 does not desire to proceed with the proceedings in question.

4 Having regard to the judgments of the Apex Court in the matter of **Gian Singh Vs. State of Punjab and Anr.**, reported in **(2012) 10 SCC 303** and **Narinder Singh & Ors., Vs. State of Punjab & Anr.**, reported in **(2014) A.I.R. SCW, 2065**, no useful purpose would be served in keeping the proceedings pending. The application is accordingly required to be allowed and is accordingly allowed in terms of prayer clause (a).

5 The applicants to deposit costs of Rs.5,000/- with the State Legal Aid Fund, within four weeks from date and receipt to be obtained and filed in the Registry.

6 The learned counsel, Mr. Nandole undertakes to file Vakalatnama during the course of the week. Undertaking accepted.

(Sarang V. Kotwal, J.)

(R.M. Savant, J.)