

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CRIMINAL APPELLATE JURISDICTION*****CRIMINAL APPLICATION NO.211 OF 2018**

Rinkal Mehul Chhadwa.] ... Applicant
Versus
The State of Maharashtra] ... Respondent

Mr. Pradip J. Jaiswal for Applicant.
Mrs. M. M. Deshmukh, APP for State.

CORAM :- R. M. SAVANT &
SARANG V. KOTWAL, JJ.
DATE :- 09 MARCH, 2018

P. C. :-

1. The above Criminal Application has been filed by the first informant herself, for quashing of the F.I.R. lodged by her bearing no.441 of 2017 registered with the Dindoshi Police Station, Mumbai, for the offences punishable under Sections 498A, 406, 323, 504 and 506 read with 34 of the IPC. It seems that the above Application has been filed in view of the fact that the parties have arrived at a settlement which is reduced into writing by way of Consent Terms which are filed in Marriage Petition No.A-372 of 2017. By way of the said settlement, the parties have agreed to convert the said Marriage Petition No.A-372 of 2017 from one for divorce on the ground of

cruelty to divorce by mutual consent. However, in terms of Clause 8 thereof, the Applicant has agreed for quashing of the instant F.I.R. lodged by her under Sections 498A, 406, 323, 504 and 506 read with Section 34 of the IPC before the decree is passed by the Family Court. The said Consent Terms have been annexed to the above Application as Exh.B from pages 31 to 33. The Applicant is personally present in Court. She is identified by her Counsel Mr. Pradip Jaiswal. She is also identified by her Aadhar Card bearing No.5334 5596 1574 which is in her maiden name i.e. Rinkal Vasanji Gala. When put in the box and queried, she reiterates the contents of the above Application and states that the above Application has been filed pursuant to the Consent Terms arrived at between the parties. The husband i.e. one of the accused Mr. Mehul Chhadwa is also personally present in Court. He is identified by the Applicant Rinkal as her husband. He is also identified by his Aadhar Card bearing No.2011 7175 0140. He accepts the factum of the Consent terms arrived at between the parties in the Family Court.

2. Having regard to the fact that the Consent Terms have been filed by the parties before the Family Court and also considering

the averments made in the above Application, which, as indicated above, has been filed by the first informant herself, no useful purpose would be served in continuing with the F.I.R.

3. Having regard to the Judgments of the Apex Court in the cases of Gian Singh Vs. State of Punjab & Anr. reported in (2012) 10 SCC 303 and Narinder Singh & Ors. Vs. State of Punjab & Anr. reported in 2014 AIR SCW 2065, there is no impediment in allowing the above Criminal Application. No useful purpose would therefore be served by keeping the above Criminal Application pending. The Criminal Application is accordingly allowed and made absolute in terms of prayer clause (a).

4. In the facts and circumstances of the case, where the machinery of this Court is utilized for settling the dispute between the parties, the Applicant and the Respondent to jointly deposit costs of Rs.10,000/- with the Maharashtra 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.)