

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

CRIMINAL APPLICATION NO.246 OF 2018

Kedar Ramsanjivan Misra

.... Applicant

versus

The State of Maharashtra & Anr.

... Respondents

.....

- Mr.Ram Upadhyay i/b. Law Competere Consultus, Advocate for the Applicant.
- Mr.Ajay Patil, APP for the State/Respondent.

**CORAM : R. M. SAVANT &
SARANG V. KOTWAL, JJ.
DATE : 26th APRIL, 2018.**

P.C. :

1. The above Application has been filed for quashing of the proceedings being C.C.No.672 of 2017 pending on the file of learned Judicial Magistrate First Class, Thane. The said case has arisen out of the FIR which has been registered for the offence punishable u/s 498-A, 420, 495, 406 and 34 of the Indian Penal Code.

2. The said FIR has arisen out of the matrimonial dispute between the Applicant and the Respondent No.2, i.e. the First Informant. It seems that the FIR has already been quashed against the father-in-law and mother-in-law of the Respondent No.2 i.e. the parents of the Applicant. The Respondent No.2 has filed an affidavit dated 24/01/2018 affirmed before the Notary R.S. Kakad, having his office at Samadhan CHS Ltd., Abhyudaya Nagar, Kalachowky, Mumbai-400 033. In the context of the relief sought in the above Application, paragraph No.5 of the said affidavit is material and is reproduced hereinunder.

“5. I say that in view of the aforesaid facts and circumstances, I have no objection if the FIR bearing no. I/134 of 2014 is quashed or C.C. no. 672 of 2016 pending before the Ld. Judicial Magistrate First Class, 2nd Court at Thane, arising from the FIR no. I/134 of 2014 are withdrawn.”

3. The Respondent No.2 is personally present in the Court. She is also identified by her Aadhar Card bearing

No.7701 3086 5908. When put in the box and queried she confirms that FIR has already been quashed against her father-in-law and mother-in-law. She further states that she has understood the contents of her affidavit and that she has signed the said affidavit out of her own free will and volition. She further states that in view of the settlement arrived at between parties, she does not desire to proceed with the FIR in question.

4. The Applicant, it seems, works in Qatar and therefore is not present in Court. Having regard to the factum of FIR being quashed against the father-in-law and mother-in-law by consent, as also having regard to the affidavit filed by the Respondent No.2 and especially paragraph No.5 thereof, the same indicates that the Respondent No.2 is not desirous of proceeding with the FIR in question.

5. 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 Application. No useful purpose would be served in keeping the proceedings pending.

6. In view of above Application is required to be allowed and is accordingly allowed in terms of prayer clause (b). The proceedings bearing C.C.No.672 of 2017 pending on the file of learned Judicial Magistrate First Class, Thane, would accordingly stand quashed and set aside. The Applicant to deposit costs of Rs.10,000/- 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.)