

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CRIMINAL APPELLATE JURISDICTION*****CRIMINAL WRIT PETITION NO.939 OF 2018**

Mr. Jay Pramod Thakur.] ... Petitioners

Versus

The State of Maharashtra & Anr.] ... Respondents

Mr. Suraj N. Naik i/b Mr. Raju D. Suryawanshi for Petitioners.
Mr. R. M. Pethe, APP for State – Respondent No.1.
Mr. Devendra Pawar for Respondent No.2.

CORAM :- R. M. SAVANT &
SARANG V. KOTWAL, JJ.
DATE :- 15 MARCH, 2018

P. C. :-

1. The above Petition has been filed for quashing of the FIR being C.R.No.0403 of 2017 registered with the Dehu Road Police Station, Pune, for the offences punishable under Sections 498A, 504 and 506 read with Section 34 of the IPC. The FIR has been registered as a consequence of the matrimonial dispute between the Petitioner No.1 and the Respondent No.2 who are husband and wife. The parties were before the learned JMFC, Pimpri-Chinchwad, Pune, in

proceedings under Section 12 of the Protection of Women from Domestic Violence Act, 2005. The said Application was withdrawn by mutual consent of the parties. The Respondent No.2 i.e. the first informant, has filed an Affidavit dated 12/12/2017 before J. B. Dugad, Notary, Government of India, having his office at Plot No.373, Sector 24, Pradhikaran, Nigdi, Pune – 411 044, entered in the Notorial Register at Sr.No.827/2017 bearing the date 12/12/2017. In the said Affidavit in para 3, it is stated that the proceedings under the Domestic Violence Act and the subject FIR, with the intervention of the elders in the family and the respectable persons from the community, have been got settled and that there is a reconciliation between the Respondent No.1 and the Petitioner No.1. It is further stated in para 4 that the settlement between the parties is bona fide and free from any pressure or threat from anybody.

2. The Respondent No.2 Pooja Jay Thakur is personally present Court. She is identified by the learned Counsel Mr. Devendra Pawar. She is also identified by her Aadhar Card bearing No.4938 9329 4972. When put in the box and queried, she states that the disputes between her and her husband have been settled and that the

Affidavit has been filed by her which is tendered by the learned Counsel today and which is signed by her of her own free will and volition. The Petitioner No.1 Jay Pramod Thakur is personally present in Court. He is identified by learned Counsel Mr. Suraj Naik holding for Mr. Raju Suryawanshi. He is also identified by his Aadhar Card bearing No.5338 3934 5590. When put in the box and queried, he reiterates what has been stated by the Respondent No.2 namely that he and the Respondent No.2 are staying together as husband and wife.

3. Having regard to the aforesaid facts as also having regard to the Affidavit filed by the Respondent No.2 and considering 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, no useful purpose would be served by continuing the proceedings. The Petition is allowed in terms of prayer clause (a). The Petition to accordingly stand disposed of.

(SARANG V. KOTWAL, J.)

(R. M. SAVANT, J.)