

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.940 OF 2018

Srinivas Soni & Another Petitioners
 Vs.
State of Maharashtra & Ors. Respondents

Mr. S.S. Prabhune for the Petitioners.
Mr. R.M. Pethe, A.P.P. for the Respondent-State.
Mr. Ashay Gajbhiye for Respondent no.2
Respondent no.2 present.

Coram : R.M. Savant AND
 Sarang V. Kotwal, JJ
Date : 23rd March, 2018

P.C.

1 The above petition is filed for quashing of the proceeding being Regular Criminal Case No.1855 of 2015, pending on the file of the learned Judicial Magistrate First Class, Vashi, CBD Belapur, Navi Mumbai. The said case is arising out of F.I.R. bearing C.R. No.67/2015 registered with Koparkhairne, Police Station, Navi Mumbai for the offences punishable under Sections 498-A, 504, 506 and 34 of Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act. The said F.I.R.

has arisen out of the matrimonial dispute between the petitioner no. 1 and respondent no.2, who are husband and wife. The parties have arrived at an overall settlement, which has been reduced into writing by them by way of consent terms bearing today's date i.e. 23rd March, 2018. In the context of the present petition, Clause 2 of the consent terms is material and is reproduced hereinunder :

“2 Agreed, declared and confirmed that in view of the settlement of the disputes between the parties, the Respondent no.2 agrees that she consents and prays for quashing of the proceedings in RCC No. 1855 of 2015 registered in the Court of Judicial Magistrate First Class, Vashi at Belapur, Navi Mumbai against the Petitioners 1 to 2 hereinabove, on the basis of these consent terms which shall be strictly followed by the parties.”

2 The first informant i.e. the respondent no.2 has also filed an affidavit dated 22nd March 2018 sworn before Shri. Uttamkumar J. Sarkar, Notary, Government of India, having his office at Sumangal Apartment, B3/ 1/2:4, Sector 3, Vashi, Navi Mumbai. The said affidavit is entered into Notarial Register at

serial no.527 dated 22nd March, 2018. Paragraph 3 of the said affidavit is material and is reproduced hereinunder:

“3 I further state that the Petitioners have filed the above mentioned petition for seeking a relief of quashing of the F.I.R. No.2015 and I have no objection whatsoever for the same and I also hereby pray for quashing of the Criminal Proceeding RCC No. 1855 of 2015, registered against the Petitioners that is the original accused.”

3 The respondent no.2, Neha Rajkumar Verma is personally present in Court. She is identified by the learned counsel, Shri. Ashay Gajbhiye. She is further identified by her PAN Card bearing No. AJOPV0226C. When put in the box and queried, she states that she has read and understood the contents of the consent terms bearing today's date. She further states that the consent terms are acceptable to her and that she has signed the said consent terms 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 understood the contents of the said affidavit and that she has signed the affidavit of her own free will and volition.

4 The petitioner no.1, Shrinivas Shyamdas Soni is also present in Court. He is identified by the learned counsel, Mr. S.S. Prabhune. He is also identified by his PAN card bearing No. BFTPS6475L. When put in the box and queried, he accepts the factum of the consent terms being signed by him. He further states that the consent terms are acceptable to him and he has signed the same on his own free will and volition. Hence, the consent terms, the affidavit filed by the respondent no.2 and the statements made by the respondent no.2 and petitioner no.1 when put in the box and queried unequivocally indicate that the parties have amicably resolved their dispute. As a consequence of which the respondent no. 2 does not desire to proceed with the case in question.

5 Having regard to the judgments of the Apex Court in the matters of Gian Singh V/s 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 in keeping the proceedings pending. The application would accordingly be required to be allowed and accordingly allowed and made absolute in terms of prayer clause (a).

6 Since the machinery of the Court is utilized for settlement of the matter, the petitioner no. 1 and the respondent no.2, both to deposit costs of Rs.10,000/- each i.e. totalling to Rs.20,000/- with the National Association for Blind, Worli, Mumbai within six weeks from date and receipts to be obtained and filed in the Registry. The consent terms are paginated from 1 to 5. The same are taken on record and marked “X” for identification.

(Sarang V. Kotwal, J.)

(R.M. Savant, J.)