

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1085 OF 2018**

Pradeep Sahdev Kamble & Ors.	...Petitioners
Versus	
State of Maharashtra & Anr.	...Respondents

Mr. Ashish Dubey for the Petitioners

Ms. P. P. Shinde, A.P.P for the Respondent No.1-State

Ms. Nidhi S. Revankar for the Respondent No. 2

***CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.
THURSDAY, 14th JUNE, 2018***

P.C. :

1 The above Petition has been filed for quashing of the proceedings being C. C. No.892/2015 arising out of C.R. No. 492 of 2014 registered with the MIDC Police Station, Mumbai on 6th October 2014 for the offences punishable under Sections 498(A), 504, 506 and 34 of the Indian Penal Code, 1860. The said FIR is a consequence of the matrimonial dispute between the Petitioner No.1 and the Respondent No.2 i.e. the first informant. It seems that the parties are also before the Family Court, Mumbai in Petition A-2882/2013, which was filed by the Respondent No. 2 for a decree of judicial separation. In the said

proceedings, the parties were referred to the Marriage Counsellor. Before the Marriage Counsellor, the parties arrived at a settlement, which was reduced into writing by way of “Consent Terms for Divorce” which are dated 18th April 2017. Insofar as the present Petition is concerned, Clause (7) of the Consent Terms is material and is reproduced hereunder :

“7. Both the parties shall quash / disputes their criminal case No. 492/14 u/s 498A (Andheri Mumbai).”

2 The Respondent No.2 has also filed an affidavit bearing today's date i.e. 14th June 2018 and affirmed before Mr. Bidhu Panicker, Advocate and Notary having his office Near Balaji Temple, Nerul (West), Navi Mumbai. In the said affidavit, paragraph 5 is relevant and is reproduced hereunder :

“5. I out of my own free will, without there being any pressure and influence withdrawing the allegation leveled in the FIR. I further confirm that I agreed for the settlement and had no objection for quashing of the Criminal Case initiated by me. I further submit that the withdrawal of allegations from Criminal Proceedings is being made without any undue influence, coercion and pressure on me.”

However, prior to the said paragraph 5, it has been averred that the parties have reached a settlement on account of the intervention of

relatives and other family members and which settlement has been arrived at considering the betterment of the children.

3 The Respondent No. 2-Ajita Pradeep Kamble is personally present in Court. She is identified by the learned counsel Ms. Nidhi Revankar. She is also identified by her Aadhar Card bearing No. 571415747074. When put in the box and queried, she states that she has been read over and explained the contents of the affidavit dated 14th June 2018, which has been tendered by her learned counsel in Court today. She further states that she has understood the contents of the said affidavit. She states that in view of the settlement arrived at between the parties, she does not desire to proceed with the case in question. She lastly states that she has filed the said affidavit on her own free will and volition.

4 The Petitioner No. 1-Pradeep Kamble is also personally present in Court. He is the husband of the Respondent No. 2. When put in the box and queried, he accepts the factum of settlement having arrived at between the parties. He further states that he is abiding by the Consent Terms in the matter of deposit of maintenance on account of the children.

5 In view of the statement recorded of the Petitioner No. 1, it is not necessary to record the statements of the other Petitioners, who are the relatives of the Petitioner No.1. The filing of the Consent Terms in the Family Court, the affidavit filed by the Respondent No. 2 dated 14th June 2018, the statements of the Respondent No. 2 and the Petitioner No. 1 when put in the box and queried, leads to a conclusion that the parties have settled their dispute and as a result, the Respondent No. 2 does not desire to proceed with the case in question.

6 Having regard to the judgments of the Apex Court in the matters of *Gian Singh vs. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. vs. State of Punjab & Anr.*², no useful purpose would be served in keeping the proceedings in question pending. The above Criminal Writ Petition is required to be allowed and is accordingly allowed and made absolute in terms of prayer clause (a).

7 The above Criminal Writ Petition is accordingly disposed of.

REVATI MOHITE DERE, J.

R. M. SAVANT, J.

1 (2012) 10 SCC 303

2 2014 AIR SCW 2065