

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 364 OF 2018**

Sachin Ishwara Bandgar & Ors

..Applicants

Vs.

Deepika Sachin Bandgar & Anr

..Respondents

Mr. Mahendra Shingade for the Applicants

Ms Vishakha Pandit for the Respondent No.1

Mrs. S. V. Sonawane APP for the Respondent State

**CORAM :R. M. SAVANT, &
SARANG V KOTWAL,JJ**

DATE : 24th APRIL, 2018

P.C.

1 The above Criminal Application has been filed for quashing and setting aside of the RCC No.878 of 2016 pending on the file of the Learned JMFC, Thane. The said case has arisen out of the FIR No.I-201/2016 registered with the Kashimira Police Station under Section 498A, 323, 504, and 506 of the IPC. The said FIR in turn has arisen on account of the matrimonial dispute between the Applicant No.1 and the Respondent No.1 who are husband and wife. The Respondent No.1 has filed an affidavit bearing today's date and affirmed in this Court today i.e. 24-4-2018. In the context of the present Criminal Application paragraphs 6, 7, 8 and 9 of the said Affidavit are material and are reproduced hereinunder:

6. I say and submit that the entire dispute between the parties i.e. Applicants and Respondent No.1 has been amicably settled and resolved.

7. I say that I have received an amount of Rs.4,50,000/- (Rupees Four Lacs Fity Thousand Only) from the Applicants towards permanent alimony.

8. I further state that, I am not willing to pursue the criminal complaint against the Applicants/accused persons and has no objection if the said criminal complaint, charge sheet so also RCC No.878/2016 pending before the learned Counsel appearing for the. JMFC Thane arisen out of FIR No.I-201/2016, registered at Kashimira Police Station u/s 498A, 323, 504, 506 of IPC is quashed and set aside by this Hon'ble Court.

9. I say that it is therefore humbly prayed before this Hon'ble Court that the RCC No.878/2016 pending before the learned Counsel appearing for the. JMFC Thane arisen out of FIR No.I-201/2016, registered at Kashimira Police Station u/s 498A, 323, 504, 506 of IPC be quashed and set aside.

2 The Respondent No.1 Mrs. Deepika Sachin Bandgar is personally present in Court. She is identified by the Learned Counsel Ms Vishakha Pandit. She is also identified by her Adhar Card bearing No. 299143646997 which is in her maiden name. She is educated up to 12th Std. When put in the box and queried, she states that she has been read the affidavit dated 24-4-2018 which is tendered across the bar by the Learned Counsel Ms Pandit. She further states that she has understood the said contents and that she has signed the said affidavit of her own free will and volition. Lastly she states that she has received an amount of Rs.4,50,000/- from the Applicants as stated

in the Affidavit.

3 The Applicant No.1 Sachin Ishwara Bandgar is personally present in Court. He is identified by the Learned Counsel Mr. Mahendra Shingade. He is also identified by his Adhar Card bearing No.480059878274. When put in the box and queried he accepts the factum of there being a settlement between the parties as a result of which the Respondent No.1 does not desire to proceed with the case in question. Other Applicants are the parents, brother and sister-in-law of the Applicant No.1 who are also personally present in Court. It is not necessary to record their statement in view of the statement recorded of the Applicant No.1

4 Having regard to the affidavit filed by the Respondent No.1, the statements made by the Respondent No.1 and the Applicant No.1 when put in the box and queried, the same indicate that the parties have settled their dispute as a result of which the Respondent No.1 does not desire to proceed with the case in question. Having regard to the judgments of the Apex Court in the matter of **Gian Singh V/s State of Punjab & Anr¹** and **Narinder Singh & ors v/s. State of Punjab & Anr²**, no useful purpose would be served in keeping the proceedings in question pending. The above Criminal Application is required to be allowed and is accordingly allowed and made absolute in

1 (2012) 10 SCC 303

2 2014 AIR SCW 2065

terms of prayer clause (a). The above Criminal Application is accordingly disposed of.

5 The Applicants to deposit costs of Rs.1,000/- with the Kirtikar Law Library, within 6 weeks from date. Receipt to be obtained and filed in the registry.

6 The Learned Counsel Ms. Vishakha Pandit undertakes to file vakalatnama on behalf of the Respondent No.1. Undertaking accepted.

[SARANG V. KOTWAL, J]

[R.M.SAVANT, J]