

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1549 OF 2018**

Abhijeet Dayanand Malondkar	...Petitioner
Versus	
The State of Maharashtra & Anr.	...Respondents

Mr. Vishal Singh I/b Kumar & Associates for the Petitioner

Mr. Deepak Thakare, P.P a/w Mr. R. M. Pethe, A.P.P for the Respondent No.1-State

Mr. Kapil D. Shah for the Respondent No.2

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

P.C. :

1 The writ jurisdiction of this Court is invoked for quashing and setting aside of the FIR being C.R. No. 27 of 2018 registered with the Bangur Nagar Police Station, Mumbai, for the offences punishable under Sections 354, 506 of the Indian Penal Code. The said FIR registered by the Respondent No. 2 herein seems to be a fall-out of the relationship between the Respondent No. 2 and the Petitioner. It is not necessary to dilate further on facts.

2 The Respondent No. 2 has filed an affidavit bearing today's date i.e. 14th June 2018 and affirmed before K. R. Pandey, Advocate and Notary, Government of India, having his office at Kajupada, Hanuman Tekadi, Borivali (East), Mumbai – 400 066. The Respondent No. 2 is identified by her Advocate Mr. Kapil Shah, who is also appearing in the above Writ Petition. In the context of the relief sought in the above Petition, paragraph 5 of the said affidavit is material and is reproduced hereunder :

“5. I say that as now the differences between me and Mr. Abhijeet D. Malondkar (sic) have been sorted out, therefore I do not want to proceed further in the case filed by me. Hence, I am withdrawing all allegations and complaints registered against Mr. Abhijeet D. Malondkar (sic).”

To the said affidavit is also annexed the photo-copy of the Marriage Certificate issued by the Health Department, Municipal Corporation of Greater Mumbai. It is dated 5th April 2018, in which it is recorded that the marriage between the Respondent No. 2 and the Petitioner has been solemnized on 19th February 2018 in Shree Vishweshwar Mandir, Nirmal Nagar, Bandra (East), Mumbai – 400 051. To the said affidavit is

also annexed the Photostat of the Aadhar Card of the Respondent No. 2 bearing No. 562398028738.

3 The Respondent No. 2 is personally present in Court. She is identified by the learned counsel Mr. Kapil Shah. She is also identified by her PAN Card bearing No. BXMPP0162Q. When put in the box and queried, she states that the affidavit tendered today by the learned counsel is hers. She accepts the contents of the said affidavit. She further states that she and the Petitioner are now happily married.

4 The Petitioner Abhijeet Dayanand Malondkar is also personally present in Court. He is identified by learned counsel Mr. Vishal Singh i/b Kumar & Associates. He is also identified by his PAN Card No. ATLPM3402G. When put in the box and queried, he reiterates what has been stated by the Respondent No.2.

5 Having regard to the affidavit filed by the Respondent No. 2 and the Marriage Certificate annexed to the said affidavit, as also the statements made by the Respondent No.2 and the Petitioner when put in the

box and queried, the same unequivocally lead to conclusion that no useful purpose would be served in proceeding with the FIR in question. In the said context, a useful reference could be made 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, which, in our view, would assist in quashing of the FIR in question. The Petition is, therefore, required to be allowed and is accordingly allowed in terms of prayer clause (a).

6 In the facts and circumstances of the case, the Petitioner and the Respondent No. 2 to deposit cost of Rs. 20,000/- with the State Legal Aid Fund within 6 weeks from date. Receipt to be obtained and filed in the Registry.

REVATI MOHITE DERE, J.

R. M. SAVANT, J.

1 (2012) 10 SCC 303

2 2014 AIR SCW 2065