

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.1609 OF 2018

Rajiv Brahma Shakar Singh

.... Petitioner

versus

The State of Maharashtra & Anr.

... Respondents

.....

- Mr.Pradip Naik i/b. Mr.N.K. Singh, Advocate for the Petitioner.
- Mr.Sagar Batavia, Advocate for Respondent No.2.
- Mrs.P.P. Shinde, APP for the State/Respondent.

**CORAM : R. M. SAVANT &
SARANG V. KOTWAL, JJ.
DATE : 13th APRIL, 2018.**

P.C. :

1. The above Writ Petition has been filed for quashing of the criminal proceedings being R.C.C.No.148/2017 pending before the learned JMFC, Vasai, arisen out of FIR being No.I-668/2016 dated 05/12/2016 for the offences punishable u/s 315, 323, 324, 504, 506 of the IPC. The said FIR has arisen out of matrimonial dispute between the parties. It is not necessary to dilate further on facts. The Respondent No.2 herein i.e. the first

informant has filed an affidavit dated 08/04/2018 notarized before Indra Kumar Shukla, Advocate & Notary, Government of India, having his address at Akram Compound, Link Road, Sakinaka, Mumbai, the affidavit bears Notarial Register No.75/18 and is dated 08/04/2018. In the context of the present Petition un-numbered paragraph Nos.3, 4, and 5 of the said affidavit are material and are reproduced hereinunder;

I say that Petitioner is my husband and there were disputes between the Petitioner and Respondent No.2 which are now amicably settled between Petitioner and myself and both have decided to forgo and help each other in the future & also decided to avoid and leave the litigation and the dispute is now over and not to have any sort of future dispute and we both parties have decided to settle the matter and therefore I am taking back my complaint filed in Tulinj Police Station, Vasai to maintain the future good relationship.

I say that now I have no grievances against the petitioners and therefore I hereby give consent for quashing of FIR bearing C.R.No.I-668 of 2016 dated 5.12.2016 at Tulinj Police Station, Vasai

and case R.C.C. No.148 of 2017 against the Petitioner.

I hereby give my no objection to quash the FIR bearing C.R.No.I-668 of 2016 dated 5.12.2016 at Tulinj Police Station, Vasai against the Petitioner and also agree to withdraw the complaint bearing C.R.No.I668 of 2016 dated 5.12.2016 pending before Tulinj Police Station, Vasai against the Petitioner.

2. The Respondent No.2 i.e. the first informant Kiran Rajeev Singh is personally present in the Court. She is identified by learned Counsel Mr.Sagar Batavia. She is also identified by her Aadhar Card bearing No.3585 6723 6209. When put in the box and queried, she states that she has been made to understand the said affidavit by her learned Counsel. She further states that she has understood the contents of the said affidavit and that she has signed the affidavit out of her own free will and volition. She lastly states that she does not desire to proceed with the case in question in view of the settlement she has arrived with her husband.

3. The Petitioner No.1 Rajiv Brahma Shakar Singh is also personally present in the Court. He is identified by the learned Counsel Mr.Pradip Naik. He is also identified by his Aadhar Card No.5426 1458 8374. When put in the box and queried, he stated that he and the Respondent No.2 have settled their dispute and they are presently residing together. In view of the settlement of the dispute with the Respondent No.2, the Respondent No.2 does not desire to proceed with the case in question.

4. Having regard to the affidavit filed by the Respondent No.2, the statements made by the Respondent No.2 and the Petitioner when put in the box and queried, the same indicates that the parties have settled their dispute, as a consequence of which, the Respondent No.2 is not desirous to proceed with the case in question.

5. Having regard to the judgments of the Apex Court in the matter of Gian Singh V/s. State of Punjab & Anr. Reported

in (2012) 10 SCC 303 and Narinder Singh & Ors. V/s. State of Punjab & Anr. reported in 2014 AIR SCW 2065, there is no impediment in allowing the above Criminal Writ Petition. No useful purpose would be served in keeping the proceedings pending.

6. The above Writ Petition is accordingly allowed in terms of prayer clause (a). The criminal proceedings being R.C.C.No.148/2017 pending before the learned JMFC, Vasai, would accordingly stand quashed and set aside. The Petitioner to pay costs of Rs.10,000/- to be deposited with the State Legal Aid Fund, within six weeks from date. Receipt to be obtained and filed in the Registry.

(SARANG V. KOTWAL, J.)

(R. M. SAVANT, J.)