

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

**CRIMINAL WRIT PETITION NO.1674 OF 2018**

Pratik Paresh Thakkar & Ors.

.... Petitioners

versus

The State of Maharashtra & Anr.

... Respondents

.....

- Mr.R.L. Gurnani i/b. Mr.P.S. Hingorani, Advocate for the Petitioners.
- Mr.K.B. Bhambid, Advocate for Respondent No.2.
- Mrs.A.S. Pai, Addl. P. P. for the State/Respondent.

**CORAM : R. M. SAVANT &  
SARANG V. KOTWAL, JJ.  
DATE : 26<sup>th</sup> APRIL, 2018.**

**P.C. :**

1. Mentioned out of turn for quashing by consent.
2. The above Petition has been filed for quashing of the FIR being C.R.No.191 of 2016 registered with Mulund Police Station on 17/05/2016 for the offences punishable u/s 498-A, 406, 313, 323, 504, 506 r/w 34 of the Indian Penal Code.

3. The said FIR is a result of the marital discord between the Petitioner No.1 and the Respondent No.2, who are husband and wife. It seems that the parties have filed consent terms in the Family Court, Mumbai, in Marriage Petition No.2536/16. However, the final orders are remaining to be passed in view of the pendency of the above Writ Petition for quashing of the FIR. The Respondent No.2 has filed an affidavit dated 04/04/2018 affirmed before the Notary Harkishin B. Sharma, having his office at Ojas Building, near Ration Office, S.N. Road, Mulund (W), Mumbai-400 080. In the context of the relief sought in the above Writ Petition, unnumbered last paragraph of page No.16 and unnumbered first paragraph of page No.17 are material and are reproduced hereinunder.

*“ I say that I have settled all my disputes with the Petitioners and I have no complaint or claim of whatsoever nature against the Petitioners above named.*

*I say that I have no objection if the proceedings in C.R. No 191/2016 registered at my instance with*

*Mulund Police Station, Mumbai are quashed qua the Petitioners.”*

4. The Respondent No.2 is personally present in the Court. She is identified by her learned Counsel Mr.K.B. Bhambid. She is also identified by her Aadhar Card bearing No.8716 4106 6896. When put in the box and queried she states that she has read and understood the contents of her affidavit, which has been filed by her in the above Petition. She has also stated that she has signed the said affidavit out of her own free will and volition. She further states that in view of the settlement arrived at between parties, she does not desire to proceed with the FIR in question.

5. The Petitioner Pratik Paresh Thakkar is also personally present in Court. He is identified by the learned Counsel Mr.R.L. Gurnani i/b. Mr.P.S. Hingorani. He is also identified by his Aadhar Card bearing No.5445 7609 4751. When put in the box and queried he accepts the factum of settlement between him and the Respondent No.2, as a result of which the Respondent

No.2 is not desirous of proceeding with the FIR in question. Having regard to the affidavit filed by the Respondent No.2, the fact that the parties have filed Consent Terms in the Family Court, as also having regard to the statement made by the Respondent No.2 and Petitioner No.1, when put in the box and queried, same unequivocally indicates that the parties have settled the dispute, as a result of which the Respondent No.2 does not desire to proceed with the FIR in question. It is not necessary to record the statements of the other Petitioners, who are relatives of the Petitioner No.1 being his father, mother and other relatives who are also present in the Court, in view of the settlement of the husband with the Respondent No.2.

6. 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.

7. In view of above Petition is required to be allowed and is accordingly allowed in terms of prayer clause (a). The FIR being C.R.No.191 of 2016 registered with Mulund Police Station, would accordingly stand quashed and set aside. The Petitioners to deposit costs of Rs.20,000/- with the Mumbai Police Welfare Fund, in the office of the Commissioner of Police, Mumbai, within six weeks from date. Receipt to be obtained and filed in the Registry.

**(SARANG V. KOTWAL, J.)**

**(R. M. SAVANT, J.)**