

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1829 OF 2018**

Mr. Amol Madan Shah & Ors

..Petitioners

Vs.

State of Maharashtra & Anr

..Respondents

Mr. Sagar Batavia i/b Mr. R. N. Sanghavi for the Petitioners

**Mr. Javed Hussein a/w Mr. Syed M Iran i/b Hussein & Co. for the
Respondent No.2**

Mrs. P. P. Shinde APP for the Respondent State

**CORAM :R. M. SAVANT, &
SARANG V KOTWAL,JJ
DATE : 20th APRIL, 2018**

P.C.

1 The above Petition has been filed for quashing of the FIR being No.006 of 2018 registered with the Bharati Vidyapeeth Police Station for the offences punishable under Section 498(A), 506 and 34 of the Indian Penal Code, 1860. The said FIR has arisen out of the matrimonial dispute between the Petitioner No.1 and the Respondent No.2 who are the husband and wife. It seems that the parties were also before the Family Court at Belgavi, Karanataka, in M.C. No.71 of 2018. In the said proceedings the parties have arrived at a settlement and have obtained a decree of divorce by mutual consent on 13-4-2018. Photocopy of the decree passed by the Family court Belgavi, is tendered across the bar by the Learned Counsel Mr. Batavia holding for Mr. Sanghvi.

2 The Respondent No.2 Mrs. Bhumika Jain is personally present in Court. She is identified by the Learned Counsel Mr. Javed Hussein. She is also identified by her Adhar Card bearing No.609271277947. The Adhar Card is in her married name Bhumika Amol Shah. When put in the box and queried, she accepts the factum of the Consent Terms arrived at between the parties in the Family Court which are recorded by way of affidavit of evidence. She further states that she has read the affidavit which is tendered across the bar by the Learned Counsel Mr. Javed Hussein appearing for her. She further states that she has understood the contents of the said Affidavit and that she has signed the said affidavit of her own free will and volition and she does not want to proceed with the FIR in question as the parties have settled the matter as they have already obtained decree for divorce by mutual consent.

3 The Petitioner No.1 Mr. Amol Madan Shah is personally present in Court. He is identified by the Learned Counsel Mr. Sagar Batavia. He is also identified by his Adhar Card bearing No.543261982943. When put in the box and queried he accepts the factum of settlement between him and the Respondent No.2 as also there is a decree of divorce passed by the Family Court Belgavi on 13-4-2018 which is by mutual consent, as a consequence of which the Respondent No.2 does not desire to proceed with the FIR in question.

4 Having regard to the statements made by the Respondent No.2 and the Petitioner No.1 when put in the box and queried, the same unequivocally leads to a conclusion that the parties have settled the matter as a result of which the Respondent No.2 does not desire to proceed with the FIR 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 Writ Petition is required to be allowed and is accordingly allowed and made absolute in terms of prayer clause (a). The above Criminal Writ Petition is accordingly disposed of.

5 The Petitioner No.1 and the Respondent No.2 to deposit costs of Rs.20,000/- each, totalling to Rs.40,000/- with the National Association of Blind, Worli, within 6 weeks from date. Receipt to be obtained and filed in the registry.

6 The Learned Counsel Mr. Hussien undertakes to file vakalatnama on behalf of the Respondent No.2 within one weeks from date. Undertaking accepted.

1 (2012) 10 SCC 303

2 2014 AIR SCW 2065

7 The decree of the Family Court dated 13-4-2018 is taken on record and marked as “X” for identification.

[SARANG V. KOTWAL, J]

[R.M.SAVANT, J]