

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

CRIMINAL WRIT PETITION NO.1831 OF 2018

Sahil Vikram Jadhav and ors. : Petitioners.
Versus
Geetanjali Prithviraj Bhosale and anr. : Respondents.

Mr. P B Bhargude for the Petitioners.
Mr. Karan Singh Rajput i/by Mr. Chinmay Inamdar for the Respondent
No.1.
Mr. V B Konde Deshmukh Addl. PP for the Respondent/State.

**CORAM : R. M. SAVANT &
SARANG V. KOTWAL, JJ.**
DATE : 3rd MAY 2018

P.C.

1 At the outset the learned counsel appearing on behalf of the Petitioners Shri P B Bhargude seeks leave to amend so as to incorporate a prayer for quashing of the charge-sheet. Leave granted. Amendment to be carried out forthwith.

2 The above Writ Petition has been filed for quashing of the charge-sheet being R C C No.3138 of 2017 filed in the Trial Court i.e. in the Court of JMFC-9 Pune, arising out of the FIR vide C.R. No.333 of 2016 registered with Chatrushingi Police Station, Pune on 07/08/2016 for the offences punishable under Sections 498A, 406, 323, 504, 506 and 34 of the Indian Penal Code.

3 The said FIR has arisen on account of the marital discord between

the Petitioner No.1 and the Respondent No.1 who are husband and wife. The parties are before the Family Court Pune in Marriage Petition being No.PA No.1321 of 2016 which has been filed for divorce by the Respondent No.1 herein on the ground of the marriage being a nullity. The reasons therefor are stated in the said Marriage Petition. In the said Marriage Petition the parties have filed a joint purshis. In terms of the said purshis and especially clause 3(c) thereof, the parties are to cooperate in getting the FIR in question quashed.

4 The Respondent No.1 herein i.e. the first informant has filed an affidavit dated 18/04/2018 which is affirmed in the District Court at Pune on 18/04/2018. In the context of the relief sought in the above Writ Petition, paragraphs 6 and 8 are material and are reproduced herein under :-

“6 I say that I am filing the affidavit to give consent to the Petitioner for the purpose of quashing the aforesaid FIR vide C.R.BNo.333 of 2016, filed at Chatusrhangi Police Station on 7th August 2016.

8 I further state that I hereby give my unconditional consent for the purpose of quashing the aforesaid F.I.R. I say that there no claims pending between me and the Petitioners and it is agreed between the parties that neither of the parties would initiate any claims against each other arising out of the marriage between the Petitioner No.1 and myself.”

4 The Respondent No.1 i.e. the first informant – Geetanjali Prithviraj Bhosale is personally present in Court. She is identified by the learned counsel

Shri Karan Singh Rajput. She is also identified by her passport bearing No.R1317650. When put in the box and queried she states that she has read the affidavit dated 18/04/2018 which is filed by her in the above Writ Petition. 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. She lastly states that she does not desire to proceed with the FIR in question on account of the settlement between the parties.

5 The Petitioner No.1 Shail Vikram Jadhav is also personally present in Court. He is identified by the learned counsel Shri P B Bhargude. He is also identified by his PAN Card No.AFFPJ4134G. When put in the box and queried he accepts the factum of the settlement arrived at between him and the Respondent No.1.

6 The mother of the Respondent No.2 herein – Mrs. Vasundhara Bhosale is also personally present in Court. She is identified by the learned counsel Shri Karan Singh Rajput. She is also identified by her driving license bearing No.MH-18-19890001480 issued on 18/11/1989 and valid till 21/08/2018. When put in the box and queried, she also accepts the factum of the settlement having taken place between her daughter i.e. the Respondent No.2 herein and the Petitioner No.1 and his family members.

7 Having regard to the affidavit filed by the Respondent No.1 i.e. the first informant as also the statements made by the Respondent No.1 and the Petitioner No.1 when put in the box and queried, the same indicate that the parties have settled the dispute as a result of which the Respondent No.1 does not desire to proceed with the FIR in question.

8 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, no useful purpose would be served in keeping the proceedings pending.

9 The above Criminal Writ Petition is required to be allowed and is accordingly allowed and made absolute in terms of prayer clause (A1). The above Criminal Writ Petition is accordingly disposed of.

10 The Petitioners to deposit costs of Rs.10000/- with the State Legal Aid Fund within 6 weeks from date. The Respondent No.1 also to deposit costs of Rs.10000/- with the State Legal Aid Fund also within the aforesaid period of 6 weeks from date. The Receipts to be obtained and filed in the Registry.

[SARANG V. KOTWAL, J]

[R.M.SAVANT, J]