

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

CRIMINAL WRIT PETITION NO.1834 OF 2018

Amitrajit Ashis Mukherjee and ors. : Petitioners.
Versus
State of Maharashtra and anr. : Respondents.

Mr. P H Padave for the Petitioners.
Mrs. S V Sonawane, APP for the Respondent/State.
Mr. Swapnil Chopade i/by Mr. H P Giri for the Respondent No.2.

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

P.C.

1 The above Writ Petition has been filed for quashing of the FIR bearing No.557 of 2016 registered with the Powai Police Station, Mumbai for the offences punishable under Sections 406, 498A, 34 of the Indian Penal Code.

2 The said FIR is on account of the marital discord between the Petitioner No.1 and the Respondent No.2 who are husband and wife. It seems that the parties were before the Family Court by way of Marriage Petition being No.A-2410 of 2016. The parties thereafter appeared before the National Lok-Adalat which was held in the Family Court and have filed the Consent Terms whereby they have sought divorce by mutual consent.

3 It is not necessary to dilate further on facts in view of the fact that the Respondent No.2 herein, who is the first informant, has filed an affidavit bearing today's date i.e. 03/05/2018 and affirmed before Bidhu Panicker, Notary, Government of India, having his office at 303, Sandeep Apartment, Plot No.A/197, Sector-20 Near Balaji Temple, Nerul (W), Navi Mumbai. The said affidavit bears notarial registration No.3971/2018 in Book No.IV. In the context of the relief sought in the above Writ Petition paragraph 5 of the said affidavit is material and is reproduced herein under :-

“5 I say that I am aware that, I am submitting that, I do not have any objection if the complaint lodged by myself with the Powai Police Station, Dist. Mumbai C.R.No.557 of 2016 for offences punishable u/s 498A, 406 r/w 34 of I.P.C. And all the proceedings arising pursuant to my complaint be quashed. I say that, I do not want to pursue the said complaint as against the Petitioners.”

3 The Respondent No.2 – Mrs. Suranjana Amitrajeet Mukharjee, who as indicated above is the first informant, is personally present in Court. She is identified by the learned counsel Shri Swapnil Chopade i/by Shri H P Giri. She is also identified by her PAN Card bearing No.BZWPD0888H which is in her maiden name Suranjana Dutta. When put in the box and queried she states that she has read the affidavit bearing today's date. 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. To the said affidavit are annexed the consent terms which were filed in the National Lok-Adalat

which was held in the Family Court, Bandra.

4 The Petitioner No.1 – Amitrajit Ashis Mukherjee is also personally present in Court. He is identified by the learned counsel Shri P H Padave. He is also identified by his PAN Card bearing No. BIBPM9903J. When put in the box and queried, he accepts the factum of settlement between the parties.

5 In view of the statement made by the Petitioner No.1, it is not necessary to record the statement of the Petitioner Nos. 2 and 3.

6 Having regard to the affidavit filed by the Respondent No.2 i.e. the first informant as also the statements made by the Respondent No.2 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.2 does not desire to proceed with the FIR in question.

7 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.

8 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.

[SARANG V. KOTWAL, J]

[R.M.SAVANT, J]