

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

CRIMINAL WRIT PETITION NO.2332 OF 2018

Hrishikesh Sharad Patil and ors. : Petitioners.

Versus

Mrs. Karishma Hrishikesh Patil & Anr. : Respondents.

Mr. Vikas Kolekar for the Petitioners.

Mr. Ramdas Hake Patil for the Respondent No.1

Mr. K V Saste, Addl. PP for the Respondent/State.

**CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.**

DATE : 07th AUGUST 2018

P.C.

1 The above Writ Petition has been filed for quashing of the FIR being C.R. No.155 of 2018 registered with Vijapur Naka Police Station, Solapur on 14/03/2018 for the offences punishable under Sections 498A, 323, 504, 506 r/w 34 of the Indian Penal Code. The said FIR is a result of the matrimonial discord between the Petitioner No.1 and the Respondent No.1 who are husband and wife.

2 The parties have arrived at a settlement which is reduced into writing by way of Consent Terms bearing today's date i.e. 07/08/2018. The said Consent Terms have been signed by the Petitioner No.1 Hrishikesh Sharad Patil and the Respondent No.1 Mrs. Karishma Hrishikesh Patil. The said Consent Terms have also been signed by the learned counsel for the Petitioner

No.1 Shri Vikas Kolekar and the learned counsel for the Respondent No.1 Shri Ramdas Hake Patil. The said Consent Terms have been executed before Shri A R Kapadnis, Advocate & Notary having his office at 305, Madhuraaj CHS, Plot No.125, Sector – 19, Opp. MSEB Office, Kharghar, Navi Mumbai – 410210. In the context of the present Writ Petition paragraph 8 of the said Consent Terms is material and is reproduced herein under :-

“8 That pursuant to the settlement Respondent No.1 has also agreed to give consent for quashing of the FIR bearing C.R. No.155 of 2018 registered against the Petitioner Nos. 1 to 5 for offences punishable under Section 498((A), 323, 504, 506 r/w 34 of the Indian Penal Code, registered with the Vijapur Naka Police Station, Solapur”.

3 The Respondent No.1 i.e. the first informant has also filed an affidavit bearing today's date i.e. 07/08/2018 and also affirmed before the same Advocate and Notary Shri A R Kapadnis. Paragraph 8 of the said affidavit, in the context of the reliefs sought in the above Writ Petition, assumes importance and is reproduced herein under for the sake of ready reference :-

“I say that pursuant to the settlement, I have agreed to give consent for quashing of the FIR bearing C.R. No.155 of 2018 registered against the Petitioner Nos. 1 to 5 for offences punishable under Section 498((A), 323, 504, 506 r/w 34 of the Indian Penal Code, registered with the Vijapur Naka Police Station, Solapur”.

4 The Respondent No.1 – Mrs. Karishma Hrishikesh Patil is personally present in Court. She is identified by the learned counsel Shri Ramdas Hake Patil. She is also identified by her Aadhar Card bearing No. 622616247688. When put in the box and queried she states that she has read and understood the contents of her affidavit bearing today's date. She further states that she has filed the said affidavit in view of the settlement between the parties which is recorded in the Consent Terms also bearing today's date. She further states that in view of the settlement, she is not desirous of proceeding with the FIR in question. She lastly states that she has filed the said affidavit of her own free will and volition.

5 The Petitioner No.1 – Hrishikesh Sharad Patil is also personally present in Court. He is identified by the learned counsel Shri Vikas Kolekar. He is also identified by his Aadhar Card bearing No.378801912573. When put in the box and queried, he accepts the factum of the settlement arrived at between the parties which is reduced into writing by way of the Consent Terms. He states that he has understood the contents of the said Consent Terms and that the terms and conditions mentioned therein are acceptable to him

6 Having regard to the Consent Terms entered into between the

parties dated 07/08/2018, the affidavit filed by the Respondent No.1 also of the same date, 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 amicably resolved their dispute and in view of the settlement arrived at between the parties, the Respondent No.1 is not desirous of proceeding with the FIR in question.

7 In the factual background of the case as above, a useful reference could be made 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 which would assist in quashing of the FIR in question. In view of the settlement arrived at between the parties, 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.

9 The Petitioner No.1 to deposit costs of Rs.5000/- with the State Legal Aid Fund within six weeks from date. Receipt to be obtained and filed in the Registry.

10 The Petitioner No.1 assures the Court that the cheque which has been given to the Respondent No.1 would be honoured. Statement accepted.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]

Laxmikant
Gopal
Chandan

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by Laxmikant
Gopal Chandan
Date: 2018.08.08
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