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

CRIMINAL WRIT PETITION NO.2483 OF 2018

Sameer Jagdish Poddar and Ors.	...Petitioners
Versus	
The State of Maharashtra and Anr.	...Respondents

Mr.Rajesh Singh, for the Petitioners.

Mr.Deepak Thakare, P.P. a/w Mrs.P.P.Shinde, A.P.P for the Respondent-State.

Mr.Sagar Ambedkar, for the Respondent No.2.

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

DATE : 11th JULY, 2018

P.C. :

1. The above Writ Petition has been filed for quashing of the proceedings being C.C. No.39/PW of 2010, pending on the file of the learned Metropolitan Magistrate, 66th Court, Andheri, Mumbai. The said proceedings have arisen out of the C.R. bearing No.223 of 2009 registered with the Powai Police Station, Mumbai, for the offences punishable u/s 498(A), 406, 504, 506, 323 r/w 34 of the Indian Penal Code.

2. The said FIR is a fall out of the marital discord between the Petitioner No.1 and the Respondent No.2, who are husband and wife. It is not necessary to dilate further on facts. The parties were also involved in matrimonial proceedings being M.J. Petition No.A-2528 of 2009. The decree passed by the Family Court in the M.J. Petition gave rise to Family Court Appeal No.162 of 2015 in this Court. In the said FIR, the parties filed Consent Terms dated 15th February, 2018. Insofar as, the present proceedings are concerned, a reference has been made in Clause-j of the Consent Terms, which for the sake of ready reference is reproduced herein under:-

“j. The Appellant also agrees and undertakes to withdraw the CC No. 39/PW of 2010 filed under section 498-A, 406 r/w 34 of I.P.C. pending before Ld. Metropolitan Magistrate's 22nd Court at Andheri, Mumbai.”

3. The said Family Court Appeal was disposed of by the Division Bench of this Court (Coram : R.M.Savant and Sandeep K. Shinde, JJ), in terms of the said Consent Terms, by order dated 15th February, 2018. It is in furtherance of the said Consent Terms and especially, Clause-j

thereof that the parties are now seeking quashing of the proceedings arising out of the FIR registered by the Respondent No.2.

4. The Respondent No.2 is personally present in Court. She is identified by the learned Counsel Mr.Ambedkar. She is also identified by her Driving License bearing No. MH04 20050030080 issued on 17th August, 2005 and valid till 16th August, 2025. The said Driving License is appearing in her maiden name Hina Khattar. When put in the box and queried, she states that she has settled the dispute between herself and the Petitioner No.1, as a result of which she does not desire to proceed with the case in question pending in the Court of the learned Metropolitan Magistrate, 66th Court, Andheri, Mumbai.

5. The Petitioner No.1 - Sameer Jagdish Poddar is also personally present in Court. He is identified by the learned counsel Mr.Singh. He is also identified by his Aadhaar Card bearing No.4882 7303 2460. When put in the box and queried, he accepts the factum of settlement arrived at between the parties, as a result of which the Respondent No.2 does not desire to proceed with the case in question.

6. Having regard to the Consent Terms filed by the parties in the Family Court Appeal, the decree passed on the basis of the Consent terms and the statements made by the Respondent No.2 and the Petitioner No.1 when put in the box and queried, the same indicates that the parties have amicably settled their dispute, as a result of which, the Respondent No.2 does not desire to proceed with the case in question.

7. In the facts and circumstances as above, a useful reference could be made to the judgments of the Apex Court in the matter of ***Gian Singh vs. State of Punjab & Anr.***¹ and ***Narinder Singh & Ors. vs. State of Punjab & Anr.***², which hold that no useful purpose would be served in proceeding with the case in question, wherein there is a settlement between the parties.

8. The above Criminal Writ Petition is therefore required to be allowed and is accordingly allowed in terms of prayer clause (a).

9. The above Criminal Writ Petition is accordingly disposed of.

1 (2012) 10 SCC 303

2 2014 AIR SCW 2065

10. In the facts of the case where the jurisdiction of this Court is utilized for settling the dispute, the Petitioner No.1 to deposit costs of Rs.10,000/- with the State Legal Aid Fund within six weeks from date. Receipt to be obtained and filed in the Registry.

(REVATI MOHITE DERE, J.)

(R. M. SAVANT, J.)