

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2537 OF 2018**

Amol Chandrakant Ambilwade

..Petitioner

Vs.

Apurva Amol Ambilwade & Anr

..Respondents

**Mr. Swapnil Mhatre a/w Mr. Devidas Jadhav for the Petitioner
Mr. Sanjeev Wankhade father of the Respondent No.1 present
Mrs. S. D. Shinde APP for the Respondent State**

**CORAM :R. M. SAVANT, &
REVATI MOHITE DERE,JJ
DATE : 12th JULY, 2018**

P.C.

1 The above Writ Petition has been filed for quashing of the proceedings being RCC No.2305 of 2017 arising out of the FIR No.141 of 2015 dated 22-4-2015 registered with the Chatushrungi Police Station for offences under Sections 498A, 323, 504, and 34 of IPC. The said FIR is a consequence of the marital disputes between the Petitioner and the Respondent No.1 who at the relevant time were husband and wife. The parties were before the Family Court in Marriage Petition No.1361 of 2015, which was originally filed by the Respondent No.1 for divorce under Section 13(1)(ia) of the Hindu Marriage Act, 1955. In the said Marriage Petition the parties had arrived at a compromise before the marriage counsellor on 18-1-2017. In terms of the said settlement, the parties were to apply for divorce by mutual consent under Section 13-B of the Hindu Marriage Act. The said Marriage Petition No.1361

of 2015 was accordingly converted to a Petition under Section 13-B for divorce by mutual consent. The Family Court No.2, Pune by its order dated 19-1-2017 allowed the said Marriage Petition and thereby dissolved the marriage between the Petitioner and the Respondent No.1 by a decree of divorce by mutual consent.

2 The Respondent No.1 we are informed is studying in USA and therefore is presently not in India. However, her father Mr. Sanjeev Wankhade who is her Power of Attorney is personally present in court. He is identified by the Learned Counsel for the Petitioner Mr. Swapnil Mhatre. He is also identified by his Adhar Card bearing No.463121769511. When put in the box and queried he confirms that the Respondent No.1 is in USA. He accepts the factum of settlement between the Respondent No.1 and the Petitioner as a result of which they had sought divorce by mutual consent before the Family Court which divorce has been granted by the order dated 19-1-2017. He lastly states that in view of the settlement the Respondent No.1 is not desirous of proceeding with the case in question.

3 The Petitioner Mr. Amol Ambilwade is also personally present in Court. He is identified by the Learned Counsel Mr. Swapnil Mhatre. He is also identified by his Adhar Card bearing No.396288898262. When put in the box and queried, he accepts the factum of settlement between him and the

Respondent No.1 as a consequence of which the Respondent No.1 does not desire to proceed with the case in question.

4 Hence the decree of divorce by mutual consent obtained by the parties, statements made by the father of the Respondent No.1 and the Petitioner when put in the box and queried indicate that the parties have settled their dispute as a result of which the Respondent No.1 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 therefore required to be allowed and is accordingly allowed and made absolute in terms of prayer clause (a), resultantly the RCC No.2305 of 2017 would stand quashed and set aside. The above Criminal Writ Petition is accordingly disposed of.

6 The Petitioner to deposit costs of Rs.10,000/- with the State Legal Aid Fund within 6 weeks from date. Receipt to be obtained and filed in the registry.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]

1 (2012) 10 SCC 303

2 2014 AIR SCW 2065