

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

CRIMINAL WRIT PETITION NO.2678 OF 2014

Ankit Harin Shah & Ors.

.. Petitioners

Vs.

Mrs.Rupali Ankit Shah & Ors.

.. Respondents

Mr.A.A. Patankar for the Petitioners.

Mr.A.A.Deshmukh for the Respondent No.1.

Mrs.S.D.Shinde APP for the Respondent State.

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

DATE : 6th JULY, 2018

P.C.

1. The above Writ Petition has been filed for quashing of the proceedings being C.C.No.235 of 2013 pending on the file of the learned Judicial Magistrate (F.C.), Daund, District Pune. The said proceedings have arisen out of the FIR No.145 of 2013 registered for the offences punishable under Sections 498-A, 323, 504, 506 of IPC. The said FIR is on account of the marital discord between the Petitioner No.1 and the Respondent No.1, who are husband and wife.

2. The parties were before a learned Single Judge of this Court (Coram : R.G.Ketkar, J) in Writ Petition No.14380 of 2016 arising out of a maintenance order and Writ Petition No.10036 of 2016 in respect of the allegation of perjury against the Respondent No.1. Before the learned Single

Judge (Coram : R.G. Ketkar, J), parties have filed Consent Terms dated 28th June 2018. Insofar as the present Writ Petition is concerned, reference to the same is made in clause 'F' of the said Consent Terms. It is provided in clause 'F' that the Respondent No.1 herein, who was the Petitioner would give her consent for quashing of the FIR. The parties withdrew the said Writ Petitions in view of the Consent Terms arrived at between the parties. In the said Consent Terms, the parties have also agreed to withdraw the proceedings, which they have filed against each other. The parties have already been granted decree of divorce by the Family Court, Pune in September 2016.

3. The Respondent No.1 has filed an affidavit bearing today's date i.e. 6th July 2018, which is affirmed before Shri N.Raja, Notary, Union of India bearing Notarial Registration No.527. Paragraph 5 of the said affidavit is material and is reproduced hereinunder:

“I therefore undertake to give my consent to this Hon'ble High Court for allowing the present petition in the light of the settlement arrived at between the party and pass an order quashing of an FIR No.145 of 2013 registered at Daund Police Station, Pune.”

4. The Respondent No.1 Rupali Shah is personally present in Court. She is identified by the learned counsel Mr.A.A. Deshmukh. She is identified by her PAN Card bearing No.AYPPS9708N, which is in her maiden name as 'Rupali Girish Shah'. When put in the Witness Box and queried, she states that she has read and understood the contents of the affidavit dated 6th July 2018

and that she has signed the said affidavit of her own free will and volition. Lastly she reiterates that she is not desirous of proceeding with the case in question in view of the settlement arrived at between the parties as reflected in the Consent Terms filed before the learned Single Judge (Coram : R.G. Ketkar, J).

5. The Petitioner No.1-Ankit Shah is personally present in the Court. He is identified by the learned counsel Mr.A. A. Patankar. He is also identified by his Aadhar Card bearing No.6316 1115 9065. When put in the Witness Box and queried, he accepts the factum of settlement having taken place between him and the Respondent No.1, as a result of which, the Respondent No.1 does not desire to proceed with the case in question.

6. Having regard to the Consent Terms filed by the parties before the learned Single Judge of this Court (Coram : R.G. Ketkar, J), the affidavit filed by the Respondent No.1 bearing today's date and the statements made by the Respondent No.1 and the Petitioner No.1 when put in the Witness Box and queried, the same lead to the conclusion that the parties have amicably settled their dispute, as a result of which, the Respondent No.1 does not desire to proceed with the case 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**

¹ (2012) 10 SCC 303

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 required to be allowed and is accordingly allowed in terms of prayer clause (a). Resultantly the proceedings being C.C.No.235 of 2013 would stand quashed and set aside. The above Criminal Writ Petition to accordingly stand disposed of.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]