

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 717 OF 2017**

Mr. Amol Waman Survase	..Applicant
Vs.	
The Senior Inspector of Police & Ors	..Respondents

Mr. M. A. R. Shaikh for the Applicant
Mr. Sajid Qureshi for the Respondent No.2
Mr. F. R. Shaikh Addl PP for the Respondent State

**WITH
CRIMINAL APPLICATION NO.533 OF 2018**

Mr. Amol Suvase & Ors.	..Applicants
Vs.	
The State of Maharashtra & Ors	..Respondents

Mr. M. A. R. Shaikh for the Applicants
Mr. Sajid Qureshi for the Respondent No.2
Mr. V. B. KondeDeshmukh Addl PP for the Respondent State

**CORAM :R. M. SAVANT, &
REVATI MOHITE DERE,JJ
DATE : 20th JULY, 2018**

P.C.

1 The above Criminal Applications have been filed for quashing and setting aside of the FIR bearing No.36 of 2017 registered with the Vakola Police Station on 19-1-2017 for the offences punishable under Section 419 of the IPC and Section 66(c) of the Information Technology Act (subject matter of Criminal Application No.717 of 2017) and for quashing of the proceeding being CC No.166/PW/17 arising out of the FIR being CR No.556 of 2015 registered with the same Vakola Police Station for the offences punishable

under Sections 498A, 406 and 34 of the IPC (subject matter of Criminal Application No.533 of 2018) The said FIRs are consequence of the matrimonial disputes between the Applicant No.1 and the first informant who are husband and wife. It seems that the parties were also involved in a Marriage Petition being No.735 of 2018 which was filed in the Family Court at Bandra for divorce by the Applicant herein. In the said Marriage Petition the parties have filed Consent Terms on 17-3-2018. The said Consent Terms inter alia govern the payment of permanent alimony to the first informant and the quashing of the proceedings which include the proceedings which are subject matter of the Criminal Application No.533 of 2018.

2 The first informant i.e. the wife has filed an Affidavit dated 18-4-2018 in Criminal Application No.717 of 2017. Paragraph 5 of the said affidavit is material and is reproduced hereinunder:

5. I am executing this present Affidavit with my free own consent and without influence and pressure of any person to support the Criminal Application under Section 482 of Code of Criminal Procedure filed by Mr. Amol Waman Survase for quashing proceeding of C.R. No.36 of 2017 registered with the Vakola Police Station Mumbai against Applicants.

The first informant has also filed affidavit dated 18-4-2018 affirmed in this Court in the companion Criminal Application No.533 of 2018. Paragraph 6 of the said affidavit is material and is reproduced hereinunder:

6. I am executing this present Affidavit with my free own consent and without influence and pressure of any person to support the Criminal Application under Section 482 of Code of Criminal Procedure filed by Mr. Amol Waman Survase and others for quashing proceeding of C.R. No.556 of 2015 registered with the Vakola Police Station Mumbai against Applicants.

3 The first informant Mrs. Vaishali Amol Survase is personally present in Court. She is identified by the Learned Counsel Mr. Sajid Qureshi. She is also identified by her Adhar Card bearing No.779641413430. The Adhar Card is in her maiden name Vaishali Gopal Ghogare. When put in the box and queried she states that she has read and understood the contents of her affidavit. She further states that she has filed the said affidavit in view of the settlement between the parties as a result of which she is not desirous of proceeding with the case in question as also the FIR in question. She lastly states that she has filed the said affidavit of her own free will and volition.

4 The Applicant No.1 Mr. Amol Survase is not in a position to remain present as he is hospitalised. The Applicant No.2 mother of the Applicant No.1 Chhaya Survase is personally present in Court. She is identified by the Learned Counsel Mr. Mateen Shaikh. She is identified by her Adhar Card bearing No.507631877096. When put in the box and queried she states that she has read and understood the contents of the affidavit filed by the first informant. She accepts the factum of settlement having taken place between her son and the first informant as a result of which the Respondent

No.2 does not desire to proceed with the case in question as also the FIR in question.

5 Having regard to the affidavits filed by the Respondent No.2 in each of the Petitions as also the statements made by the Respondent No.2 and the Applicant No.2 when put in the box and queried, they indicate that the parties have settled their dispute as a result of which the Respondent No.2 does not desirous of proceeding with the case in question as also 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 Applications are required to be allowed and are accordingly allowed and made absolute in terms of prayer clause (a), resultantly the charge sheet would stand quashed and set aside. The above Criminal Applications are accordingly disposed of.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]

Meera
Mahesh
Jadhav

Digitally signed by
Meera Mahesh
Jadhav
Date: 2018.07.23
11:34:25 +0530

¹ (2012) 10 SCC 303

² 2014 AIR SCW 2065