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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2692 OF 2017

Kunal Rooplal Ranawat & Ors. ..Petitioners.

V/s.

The State of Maharashtra & Anr. ..Respondents.

Mr.Kunal Tiwari i/b. K.Juris for the Petitioners.

Mrs.Anamika Malhotra, APP for Respondent No.1-State.

The Petitioner and Respondent No.2 present.

***CORAM: R.M.SAVANT AND
NITIN W.SAMBRE, JJ.***

DATE : FEBRUARY 2, 2018

PC.:-

The above Writ Petition has been filed for quashing of the F.I.R. No.589/2016 registered with Malad Police Station, Mumbai for offences punishable under sections 498(A), 504, 323 and 506 read with 34 of the Indian Penal Code.

2. The Petitioner No.1 and Responent No.2 were married on May 8, 2011. The registration of the F.I.R. has arisen on

account of the matrimonial disputes between the parties. The parties were already before the Civil Court by way of HMA Petition No.34/3 of 2016 filed by the Petitioner No.1 i.e. the husband for divorce under section 13(1)(i-a) of the Hindu Marriage Act, 1955 and it seems that the parties have settled the dispute between themselves and applied for divorce by mutual consent and resultantly, the said HMA Petition No.34/3 of 2016 was converted to a petition for divorce by mutual consent. The learned District Judge, Bilaspur, Himachal Pradesh by his order dated August 30, 2017 passed a decree for divorce by mutual consent and resultantly the marriage between the Petitioner No.1 and Respondent No.2 was annulled. The first informant i.e. the Respondent No.2 Ravita Kunal Ranawat has filed an affidavit, in the context of the reliefs sought in the above Writ Petition. Clauses (4) and (5) of the said affidavit are material and are reproduced hereinunder:-

“4) I say that now we i.e. all the Petitioners and myself have arrived at mutual settlement and decided to compound the said F.I.R. bearing No.589/2016.

5) I state that now nothing survives in the prosecution

lodged by me and I don't want to proceed against the Petitioners. Therefore, I am humbly supporting the present petition of the Petitioners.”

3. The Petitioner No.1 also filed affidavit in support of the averments made in the Writ Petition. In his affidavit, the Petitioner No.1 has also stated that the parties have arrived at a mutual settlement and have, therefore, decided to compound the F.I.R. No.589/2016. The Petitioner No.1 is personally present in the Court. He is identified by his learned counsel Mr.Kunal Tiwari and is also identified by his Aadhar Card bearing No.7603 4988 3449. When put in the witness box and queried, he states that he has read the petition and understood its contents. He has also read the affidavit which has been tendered by the learned counsel in Court today.

4. The Respondent No.2 Mrs.Rativa Kunal Ranawat i.e. the first informant is personally present in Court. She is identified by the Petitioner No.1 and also identified by the Driving Licence No.MH02-20110065662 issued on September 8, 2011 and valid from September 8, 2011 till September 2, 2030. When put in the

box and queried, she states that he has read the affidavit which is filed by her today and tendered by the learned counsel Mr. Tiwari. She states that she has signed the said affidavit of her own free will and volition.

5. In the light of the decree passed by the learned District Judge, Bilaspur in HMP Petition No.34/3 of 2016 by which the marriage between the Petitioner No.1 and Respondent No.2 has been annulled and also having regard to the affidavit filed by Respondent No.2 and the Petitioner No.1 and having regard to the statements made by the Petitioner No.1 and Respondent No.2 when put in the box and queried, the same unequivocally disclose that the parties have amicably resolved their dispute. In the light of the judgments of the Apex Court in the matter of *Gian Singh V/s. State of Punjab*¹ and *Narinder Singh & Ors. V/s. State of Punjab & Anr.*², there is now no impediment in allowing the above Criminal Writ Petition. No useful purpose would be served in keeping the proceedings pending. The above Criminal Writ Petition is accordingly allowed and made absolute in terms of prayer clause

1 (2012) 10 Supreme Court Cases 303

2 2014 AIR SCW 2065

(a).

6. Since the machinery of this Court has been utilised by the parties for settling their disputes, the Petitioner No.1 to deposit costs of Rs.20,000/- with the Maharashtra Legal Aid Fund within 6 weeks from date, receipt to be obtained and filed in the Registry.

(NITIN W.SAMBRE, J.)

(R.M.SAVANT, J.)