

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

CRIMINAL WRIT PETITION NO.2893 OF 2018

Mr. Vikrant Ramesh Chaudhary and ors. : Petitioners.

Versus

Mrs. Priyanka Vikrant Chaudhary and anr. : Respondents.

Mr. Raghavendra Mehrotra for the Petitioners.

Mrs. A S Pai, Addl. PP for the Respondent/State.

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

DATE : 03rd AUGUST 2018

P.C.

1 The above Writ Petition has been filed for quashing and setting aside the proceedings being RCC No.1609 of 2017 pending on the file of the learned 2nd Joint Civil Judge, Junior Division and JMFC, Vasai. The said case is arising out of the FIR being No.I-104 of 2017 registered with the Vasai Police Station, Dist. Palghar on 15/08/2017 for the offences punishable under Section 498A, 504, 506, 34 of the Indian Penal Code. The said FIR is a fall out of the matrimonial discord between the Petitioner No.1 and the Respondent No.1 who are husband and wife.

2 The Respondent No.1 has filed an affidavit bearing today's date i.e. 03/08/2018 and affirmed before Mrs. Aliya N Pathan, Notary, Greater Mumbai, Government of India. The said affidavit bears notarial registration No.31378 dated 03/08/2018. In the context of the relief sought in the present

Petition, paragraph 3, 4 and 5 of the said affidavit are material and are reproduced herein under :-

“3 I say that in view of the settlement and the execution of Consent Terms between me and the Petitioner, I do not intend to proceed with the case which is initiated by me as against the Petitioners. I say that in order to have peace and live in harmony and to avoid wasting long time, I am intending to consent for withdrawal of the Case No.RCC/1609/2017 pending before the Ld. 2Nd Jt. Civil Judge, J.D. J.M.F.C. Vasai.

4 I say that all my demands in respect of alimony/permanent maintenance are already met as decided in the consent terms. I say that the above case is not of such nature as the same could not be quashed by this Hon'ble Court in its inherent power or writ jurisdiction.

5 In view of the amicable settlement, I hereby pray for the closure of the case bearing No.RCC/1609/2017 pending before the Ld. 2Nd Jt. Civil Judge, J.D.J.M.F.C. Vasai arising out of the FIR bearing No.I-104/17 lodged under Section 498A, 504 and 506 of the Indian Penal Code, 1860, where I am the 1st Informant/Complainant.”

3 The parties were before the Family Court in a Petition for mutual divorce filed by the parties in which Petition the parties have arrived at the Consent Terms which have been executed on 11/05/2018. The said Consent Terms have been referred to in the affidavit filed by the Respondent No.1.

4 The Respondent No.1 – Mrs. Priyanka Vikrant Chaudhary is personally present in Court. She is identified by the learned counsel Shri

Raghavendra Mehrotra on the instructions of the Petitioner No.1 who is her husband. She is also identified by her PAN Card bearing No. AHJPV6234B. The said Aadhar Card is in her maiden name – Priyanka Nandkumar Vartak. When put in the box and queried, she states that the affidavit filed today is hers. She further states that she has read and understood the contents of the affidavit which she has filed. She further states that she has filed the said affidavit in view of the settlement between the parties as evidenced by the Consent Terms. She further states that in view of the settlement between the parties, she is not desirous of proceeding with the case in question. She lastly states that she has filed the said affidavit of her own free will and volition.

5 The Petitioner No.1 – Vikrant Ramesh Chaudhary is also personally present in Court. He is identified by the learned counsel Shri Raghavendra Mehrotra. He is also identified by his Aadhar Card bearing No.361261924415. When put in the box and queried, he accepts the factum of the settlement between the parties, as a result of which the Respondent No.1 is not desirous of proceeding with the case in question.

6 Having regard to the Consent Terms filed in the Family Court by the parties, the affidavit filed by the Respondent No.1 dated 03/08/2018, the statements made by the Respondent No.1 and the Petitioner No.1 when put in the box and queried, the same indicate that the parties have settled their

dispute as a result of which the Respondent No.1 is not desirous of proceeding with the case in question.

7 Having regard to the judgments of the Apex Court in the matter of Gian Singh V/s State of Punjab & Anr reported in (2012) 10 SCC 303 and Narinder Singh & ors v/s. State of Punjab & Anr reported in 2014 AIR SCW 2065, no useful purpose would be served in keeping the proceedings pending in view of the settlement between the parties.

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

9 The Petitioner No.1 and the Respondent No.1 to deposit costs of Rs.5,000/- each making a total of Rs.10,000/- with the State Legal Aid Fund within six weeks from date`. Receipts to be obtained and filed in the Registry of this Court.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]

Digitally
signed by
Laxmikant
Gopal
Chandan
Date:
2018.08.06
15:20:17
+0530