

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 735 OF 2017**

**Mrs. Meera Kunal Velani
Vs.
State of Maharashtra & Anr**

**..Applicant

..Respondents**

**Mr. N. P Bhavsar for the Applicant
Mr. Naveen Kumar for the Respondent Nos.2 & 3
Mrs. A. S. Pai Addl PP for the Respondent State**

**CORAM :R. M. SAVANT, &
SANDEEP K SHINDE,JJ
DATE : 22nd JANUARY, 2018**

P.C.

1 The above Criminal Application has been filed for quashing of the FIR being C. R. No.468 of 2017 registered with the Dindoshi Police Station on 17-6-2017 for offences punishable under sections 377, 354-A, 354, 506 read with 34 of the Indian Penal Code. The said FIR has arisen out of the matrimonial disputes between the Applicant and the Respondent No.3 who are husband and wife.

2 The Petitioner is the first informant who has registered the said FIR and is now seeking quashing on the ground that the parties have amicably resolved their dispute. The parties have executed Consent Terms on 31-7-2017 which have been signed by the Applicant and the Respondent No.3, they have been executed before the notary public Mr. Bidhu Panicker who is Notary

Government of India. The said Consent Terms bear Notarial Registration Sr.No.5634/2017 in Book No.V. In clause (a) it has been mentioned that the Applicant and the Respondent No.3 have already filed a Joint-F Petition No.1866 of 2017 before Family Court, Mumbai (for divorce by mutual consent) which is to come up on 20-1-2018. In so far as present Application is concerned, clause (d) of the Consent Terms is material and is reproduced hereinunder:

(d) The Petitioner and the Respondent Nos.2 and 3 have agreed against each other that in future none shall file any proceeding either Civil or Criminal nature on the present subject and also on dissolution of their marriage.

3 The Learned Counsel appearing on behalf of the Applicant Mr. Bhavsar draws our attention to the order dated 20-1-2018 passed by Mrs. M. M. Thakare, the Learned Principal Judge Family Court, Mumbai. The said order is the operative part of the order passed in the said Petition No.F-1866 of 2017, filed by the parties for divorce by mutual consent. By the said order, the marriage between the Applicant and the Respondent No.3 dated 9-12-2004 is dissolved by a decree of divorce by mutual consent with effect from the said order. The said order is taken on record and marked as "X" for identification.

4 The Applicant Meera Velani is personally present in Court. She is identified by the Learned Counsel Mr. Bhavsar. She is also identified by her

Pan Card No.AMLPV4225F. When put in the box and queried she accepts the fact that the Family Court has passed an order dissolving the marriage between the Petitioner and the Respondent No.3 by mutual consent. She also accepts the fact that the parties have entered into Consent Terms and as a consequence she does not want to proceed with the FIR lodged by her.

5 The Respondent No.3 husband is personally present in Court. He is identified by the Learned Counsel Mr. Naveen Kumar. He is also identified by his Pan Card No. ADIPV0222E. When put in the box and queried, he accepts the factum of the Consent Terms entered into between the parties and the factum of the decree being passed by the Family Court by mutual consent. The Respondent No.2 Narsi Velani father of the Respondent No.3 is also personally present in Court, but it is not necessary to record his statement as the main contesting parties are the Applicant and the Respondent No.3.

6 Having regard to the Consent Terms dated 31-7-2017 as also having regard to the fact that the Family Court has by order dated 20-1-2018 passed a decree for divorce by mutual consent on the Petition filed by the parties and having regard to the judgments of the Apex Court in the matter of **Gian Singh Vs. State of Punjab & Anr.¹** and **Narinder Singh & Ors. Vs. State of Punjab & Anr²**, there is no impediment in allowing the above Criminal

¹ (2012) 10 Supreme Court Cases 303

² 2014 AIR scw 2065

Application. No useful purpose would be served in keeping the proceedings pending, the above Criminal Application is accordingly allowed and made absolute in terms of prayer clause (a). The above Criminal Application is accordingly disposed of.

6 In view of the fact that the machinery of this Court has been used to settle the dispute, it would be just and proper that the Petitioner and the Respondent No.3 to deposit costs of Rs.10,000/- each i.e. totalling Rs.20,000/- with the National Association of Blind, Worli within 4 weeks from date, receipts to be obtained and filed in the registry.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]