

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

CRIMINAL WRIT PETITION NO.3108 OF 2017

Sheetal Sharadchandra Deshmukh : Petitioner.
Versus
The State of Maharashtra and anr. : Respondents.

**ALONG WITH
CRIMINAL WRIT PETITION NO.3212 OF 2017**

Pankaj Sharadchandra Deshmukh : Petitioner.
Versus
The State of Maharashtra and anr. : Respondents.

Mr.Satyavrat Joshi for the Petitioners.
Mrs. A S Pai, Addl. PP for the Respondent/State.
Mr. Shailendra S Kanetkar for the Respondent No.2.

**CORAM : R. M. SAVANT &
SARANG V. KOTWAL, JJ.**
DATE : 28th FEBRUARY 2018

P.C.

1 The above Writ Petitions have been filed for quashing of the FIR being No.CR No.150 of 2017 registered with Dattawadi Polcie Station, Pune for the offences punishable under Section 498, 406, 314, 323, 504 and 506 of the Indian Penal Code. The first Writ Petition being No.3108 of 2017 has been filed by Sheetal Sharadchandra Deshmukh, who is the mother-in-law of the first informant Dipti whereas the second Writ Petition being Writ Petition No.3212 of 2017 has been filed by the husband Pankaj Sharadchandra Deshmukh.

2 The said FIR seems to have arisen out of the matrimonial disputes between the husband Pankaj Sharadchandra Deshkukh and the wife Dipti Pankaj Deshmukh who were married on 17/12/2014. It seems that the parties i.e. Pankaj and Dipti were also before the Family Court, Pune in Petition No.830 of 2017 which was filed by Dipti originally for divorce on the ground of cruelty i.e. under Section 13(1)(i-a) of the Hindu Marriage Act. However, in view of the settlement arrived at between the parties, the parties had agreed to convert the said Petition into a Petition for divorce by mutual consent under Section 13-B of the Hindu Marriage Act. The said Petition was accordingly converted into a Petition for divorce by mutual consent and the decree has accordingly been passed by a learned Judge of the Family Court No.2, Pune on 16/02/2018. Resultantly the marriage between Pankaj and Dipti has been dissolved.

3 As indicated above, the wife Dipti Deshmukh had filed an affidavit in this Court in the above Writ Petition No.3108 of 2017 which affidavit is dated 20/11/2017 and which is affirmed in this Court on the said day. In the said affidavit the compromise arrived at between the parties has been referred to in paragraph 5. In the context of the present Petitions, paragraph 7 of the said affidavit is material and is reproduced herein under :-

“7 I say that in view of the above compromise, the present Petition being allowed and C.R.No.150 of 2017 filed against both the Petitioners registered with Duttawadi Police Station, Pune be quashed.”

4 The Petitioner in Writ Petition No.3108 of 2017 i.e. Shital Sharadchandra Deshmukh has also filed an affidavit bearing today's date i.e. 28/02/2018 and affirmed in this Court today. In the said affidavit it has been stated that the amount of Rs.31,60,000/- deposited by her in this Court can be allowed to be withdrawn by Dipti on the FIR in question being quashed. Paragraphs 4 and 5 of the said affidavit of the Petitioner Shital Deshmukh are material and are reproduced herein under :-

“4 I say that the Respondent No.2 has agreed that she would file an Affidavit thereby giving her consent for the quashing of the FIR bearing C.R.No.150 of 2017 which is registered with the Dattawadi Police Station, Pune.

5 I say that in after the quashing of the FIR, the amount of Rs.31,60,000/- (Rupees Thirty One Lakhs Sixty Thousand only) be handed over to the Respondent No.2 and my son shall have no objection for the withdrawal of an amount of Rs.31,60,000/- (Rupees Thirty One Lakhs Sixty Thousand only) by the Respondent No.2 from the Registry of this Hon'ble Court.”

5 Having regard to the decree passed by the Family Court, Pune on the basis of the consent pursuant to the settlement arrived at between the parties as regards converting the Marriage Petition into a Petition for divorce by mutual consent as also having regard to the affidavits filed by the Respondent No.2 Dipti Deshmukh and the Petitioner in Writ Petition No.3108 of 2017 Sheetal Deshmukh, the gist of which has been referred to herein

above, the same indicate that the parties have amicably resolved their disputes.

6 The first informant – Dipti Pankaj Deshmukh i.e. the Respondent No.2 is personally present in Court. She is identified by her learned counsel Shri S S Kanetkar. She is also identified by her Aadhar Card bearing No.7987 8602 7776. When put in the box and queried, she states that she has read the affidavit filed her by in this court and that the contents of the said affidavit are acceptable to her. She further states that a compromise has been arrived at between the parties as a consequence of which she does not desire to proceed with her FIR.

7 The Petitioner in Writ Petition No.3212 of 2017 – Pankaj Sharadchandra Deshmukh is not available as he is in United States of America where he is employed, however, the Petitioner in Writ Petition No.3108 of 2017 Sheetal Sharadchandra Deshmukh, who is his mother is personally present in the Court. She is identified by her learned counsel Shri Satyavrat Joshi. She is also identified by her Aadhar Card bearing No.9557 9164 2243. When put in the box and queried, she states that the contents of the affidavit bearing today's date filed in the above Writ Petition by her are acceptable to her and that she has filed the said affidavit in view of the settlement arrived at between her son Pankaj and Dipti.

8 Hence having regard to the statements of Respondent No.2 Dipti and the Petitioner - Sheetal and also having regard to the affidavits filed by both of them, the same leads to a conclusion that the parties have settled their dispute and that the first informant i.e. the Respondent No.2 – Dipti does not desire to proceed with the FIR in question. 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.

9 The above Writ Petitions are therefore required to be allowed and accordingly allowed and made absolute in terms of prayer clause (a). In terms of the affidavit filed by the Petitioner Shital Sharadchandra Deshmukh, the Respondent No.2 Dipti would be entitled to withdraw the amount of Rs.31,60,000/- (Rupees Thirty One Lakhs Sixty Thousand only) lying in this Court with accrued interest if any on producing the copy of the instant order of this Court. In the event the said amount is to be electronically transferred, the same would be transferred to the account of the Respondent No.2 which stands in her maiden name Dipti Ulhas Dake.

10 Since the FIR in question has been quashed and set aside, the look out notice issued against the Petitioner in Writ Petition No.3212 of 2017 -

Pankaj Sharadchandra Deshmukh by the authorities on the basis of the said FIR would also accordingly stand set aside. The decree passed by the Family Court, Pune is taken on record and marked as “X” for identification. The above Writ Petitions are accordingly disposed of.

[SARANG V. KOTWAL, J]

[R.M.SAVANT, J]