

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

CRIMINAL WRIT PETITION NO.3427 OF 2018

Vishnu S/o Ramrao Chavan and ors. : Petitioners.
Versus
The State of Maharashtra and anr. : Respondents.

Mr. Atul B Hawale for the Petitioners.
Mrs. P P Shinde, APP for the Respondent/State.
Mr. Yogesh K Bobade for the Respondent No.2.

**CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.**
DATE : 13th AUGUST 2018

P.C.

1 The above Writ Petition has been filed for quashing of the proceedings being RCC No.4566 of 2015 pending on the file of the learned JMFC, Pune. The said proceeding has arisen out of the FIR being C R No.458 of 2015 which has been registered for the offence punishable under Section 498A of the Indian Penal Code. The said FIR is the consequence of the marital discord between the Petitioner No.1 and the Respondent No.2 herein who are husband and wife.

2 It seems that the parties are before the Family Court, Aurangabad in Marriage Petition No.507 of 2016. It seems that in the said proceedings the parties have arrived at a settlement as a result of which the parties have agreed

to obtain divorce by mutual consent. There are other terms and conditions on the basis of which the parties have agreed to obtain divorce by mutual consent but the same are not relevant for the purposes of the present Writ Petition.

3 The Respondent No.2 herein i.e. the first informant has filed her affidavit bearing today's date i.e. 13/08/2018 and affirmed before Bidhu Panicker, Advocate High Court, Notary (Govt. of India) having his residence at 303, Sandeep Apt. Plot No.A/197, Sector-20, Near Balaji Temple, Nerul(W), Navi Mumbai, Maharashtra. In the context of the relief sought in the present Writ Petition, paragraphs 4 and 6 of the said affidavit are material and are reproduced herein under :-

“4 The deponent restfully says and submits that, I have no objection for quashing of F.I.R. bearing Crime No.458/2015 for an offence punishable U/Sec. 498-A of I.P.C. registered with Wakhad Police Station, Dist. Pune registered against present Petitioners. I have indentified the Petitioners and and I realize that the present Petitioners did not committed alleged offence as the dispute was occurred due to family problem. I say that all the matters between the present deponent and the Petitioners/accused have been settled amicably, therefore in order to save inconvenience to both the side I am filing this affidavit without any influence and pressure.”

“6 The deponent further restfully says and submits that, I have no objection for quashing of the chargesheet bearing R.C.C. No.4566/2015 is pending before Id. J.M.F.C. at Pune filed pursuant to the F.I.R. bearing Crime No.458/2015 registered with Police Station, Wakhad, Pune, Dist. Pune for an offence

punishable under Section 498A of IPC against the Petitioners I have no any grievance against the present Petitioners/accused, I would not continue with any proceeding against the present Petitioners.”

3 The Respondent No.2 herein i.e. the first informant is personally present in Court. She is identified by the learned counsel Shri Yogesh K Bobade. She is also identified by her Identity Card issued by the Election Commission of India bearing No.XMY5650338. When put in the box and queried, she states that the affidavit dated 13/08/2018 tendered today by her learned counsel is hers. She has read and understood the contents of her affidavit dated 13/08/2018. She further states that she has filed the said affidavit in view of the settlement between the parties. 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 his own free will and volition.

4 The father of the Respondent No.2 Shri Subhash Waghchaure is also personally present in Court. He is identified by the learned counsel Shri Yogesh Bobade. He is also identified by his driving license bearing No.MH20-20020058053 issued on 21/01/1992 and valid till 17/04/2012. When put in the box and queried, he accepts the factum of the settlement arrived at between his daughter i.e. the Respondent No.2 and the Petitioner No.1 i.e. her husband. He is also not desirous of the Respondent No.2 proceeding with the

case in question.

4 The Petitioner No.1 is also personally present in Court. He is identified by the learned counsel Shri Atul Hawale. He is also identified by his Aadhar Card bearing No.893735892040. When put in the box and queried, he accepts the factum of the settlement having taken place between the parties as a result of which the Respondent No.2 is not desirous of proceeding with the case in question.

5 Hence the averments of in Marriage Petition which have been referred to in the earlier part of this order, the affidavit filed by the Respondent No.2 bearing today's date i.e. 13/08/2018, the statements made by the Respondent No.2 and her father, the statement made by the Petitioner when put in the box and queried, the same unequivocally indicate that the parties have settled their dispute as a result of which the Respondent No.2 is not desirous of proceeding with the case in question.

6 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.

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

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]

Laxmikant
Gopal
Chandan

Digitally signed
by Laxmikant
Gopal Chandan

Date:
2018.08.16
12:50:08 +0530