IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3705 OF 2015

Mrs. Arpita Ashish Jadhav & Ors ..Petitioners
Vs.
State of Maharashtra & Anr ..Respondents

Mr. Vijay R Shinde for the Petitioners
Mr. K. V. Saste Addl PP for the Respondent State
Ms Sonali Bhosale for the Respondent No.2

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

P.C.

1 The above Petition has been filed for quashing of the FIR being No.I-466/2015 registered with the Vartak Nagar Police Station, Thane for offences punishable under Section 420 and 34 of the Indian Penal Code, 1860. The Petitioner No.1 is arrayed as an Accused and her family members i.e. her parents and brother and other family members are the co-Accused. The marriage between the Petitioner and the Respondent No.2 took place on 20-12-2011 and thereafter some dispute arose as regards the birth date of the Petitioner No.1. The grievance of the first informant appears to be that the Petitioner No.1 has wrongly represented her birth date to him. It is not necessary to dilate further on the aforesaid aspect in view of the settlement reached between the parties

2 The first informant i.e. the Respondent No.2 has filed an Affidavit bearing today's date 22-1-2018 and affirmed in this Court. In the said affidavit, it has been mentioned that they have filed a Petition for divorce by mutual consent in the Family Court of the Learned Civil Judge Senior Division, Pune bearing Hindu Marriage Petition No.1049 of 2017. It is further stated that the Petitioner No.1 has also agreed to withdraw the case filed under the Domestic Violence Act. In the context of the relief sought in the above Petition clause (d) and (g) of the said affidavit are material and are reproduced hereinunder:

> (D) I say that after the said incidents Petitioner and I have hereby mutually decided to withdraw all the allegations raised against each other and thereby we have decided to legal separate from each other.
>
> (G) I say that now as there is no grievance against each other and that the Section 420 of Indian Penal Code is compoundable with the permission of this Hon'ble Court, I wish to withdraw the FIR No.I-466/2015 as u/s 420 and 34 of IPC which is filed by me against Petitioner.

3 The Respondent No.2 Ashish Jadhav is personally present in Court. He is identified by the Learned Counsel Ms Sonali Bhosale. He is also identified by his Adhar Card bearing No.441136624094. When put in the box and queried he states that he has understood the contents of the Affidavit which has been tendered by his Learned Counsel today. He states that since the parties have arrived at a settlement they have mutually agreed to

withdraw the cases filed against each other, as a consequence he does not desire that the police should further investigate into the matter.

4 The Petitioner No.1 Arpita Jadhav is personally present in Court. She is identified by the Learned Counsel Mr. Shinde. She is also identified by her Adhar Card bearing No.485770049172. When put in the box and queried, she states that the parties have arrived at a settlement and she reiterates what has been stated by the Respondent No.2 namely that the parties desire to withdraw the cases filed against each other.

5 In view of the Affidavit filed by the Respondent No.2 and in view of the settlement made by the Petitioner No.1 and the Respondent No.2 as also 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 & Anr**[2]**,** there is 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 (b). The above Criminal Writ Petition is accordingly disposed of.

6 In view of the fact that the machinery of this Court has been used

1 **(2012) 10 Supreme Court Cases 303**
2 **2014 AIR scw 2065**

to settle the dispute, it would be just and proper that the Petitioner No.1 and the Respondent No.2 are directed to deposit costs of Rs.5,000/- each with the Maharashtra Legal Aid Fund within 4 weeks from date, receipt to be obtained and filed in the registry.

[SANDEEP K. SHINDE, J] **[R.M.SAVANT, J]**