

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.946 OF 2017**

Vikrant Deu Rawool & Ors

..Applicants

Vs.

The State of Maharashtra & Anr

..Respondents

Mr. S. S. Karmarkar for the Applicants

Mrs. Megha Rane for the Respondent No.2

**CORAM :R. M. SAVANT, &
SANDEEP K SHINDE,JJ
DATE : 10th JANUARY, 2018**

P.C.

1 The above Criminal Application has been filed for quashing of the FIR being C.R. No.65 of 2017, registered with the Kurar Police station for the offences punishable under Sections 498A, 406, 504, 323, 506 read with 34 of the IPC.

2 The said FIR had arisen out of the matrimonial disputes between the parties. The Respondent No.2 is the wife of the Petitioner No.1 and they were married on 4-3-2015. It seems that after the FIR came to be registered, the Respondent No.2 had filed Marriage Petition NO.A-1259 of 2016 for divorce on the ground of cruelty under Section 13(1) of the Hindu Marriage Act. In the said Marriage Petition, the parties initially arrived at consent terms by which they had sought divorce by mutual consent. The consent terms are dated 17-4-2017. Thereafter the parties have entered into additional consent terms on 21-7-2017 and in terms of the reliefs sought in the instant application

clause (1) of the said additional Consent Terms is material and is reproduced hereinunder:

1 The Petitioner has agreed to co-operate to quash the 498A case filed against Respondent and his family members before the Decree of Divorce. The Petitioner will be permitted to withdraw amount of Rs.4,00,000/- after quashing of 498A case FIR No.65 of 2016.

3 The Respondent No.2 has also filed an affidavit dated 3-1-2018, a copy of which is tendered across the bar by the Learned Counsel Mrs. Rane, as the original is not available at the movement. In the context of the present Petition, paragraphs 3 and 4 of the said affidavit are material and are reproduced hereinunder:

3. That, taking into consideration the future of mine and the Applicants herein, we have resolved the dispute amicably.

4. That, I have no objection, if the said application is allowed and the said FIR against the Applicants herein is quashed/set aside.

4 The Respondent No.2 Vaibhavi Rawool is personally present in Court. She is identified by her Learned Counsel Mrs. Rane. She is also identified by her Adhar Card No.296411078829. When put in the box and queried, she states that the parties have arrived at a settlement in the Family Court which is reduced into writing by way of the first Consent Terms dated 17-4-2017 and the second Consent Terms dated 21-7-2017. She states that it is

in terms of the said settlement that she has filed the affidavit dated 3-1-2018 consenting to the quashing of the FIR.

5 The Petitioner No.1 Vikrant Rawool is also personally present in court. He is identified by his Learned Counsel Mr. Karmarkar. He is also identified by his Adhar Card No.688543530721. When put in the box and queried he states that he is aware of the Consent Terms and that the settlement is recorded in the consent terms is acceptable to him. He further states that the Respondent No.2 is consenting to the quashing of the FIR on the basis of the said Consent Terms.

6 In view of the affidavit filed by the Respondent No.2 as also in view of what has been stated by the Petitioner No.1 and the Respondent No.2 when put in the box, the same indicates that the parties have amicably settled their dispute. 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 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 (b). The above Criminal Application is accordingly disposed of.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]

¹ (2012) 10 Supreme Court Cases 303

² 2014 AIR scw 2065