

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

CRIMINAL WRIT PETITION NO.3319 OF 2016

Kusum Natha Chavan and ors. : Petitioners.
Versus
State of Maharashtra and anr. : Respondents.

Mr. S V Walve for the Petitioners.
Mr. K V Saste, Addl. PP for the Respondent/State.
Ms. Pratibha Chavan for the Respondent No.2.

**CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.**
DATE : 08th JUNE 2018

P.C.

1 At the outset the learned counsel appearing for the Petitioners Shri S V Walve seeks leave to amend so as to modify the prayer clause (a) so as to seek quashing of the proceedings being RCC No.190 of 2017. Leave granted. Amendment to be carried out forthwith.

2 The above Writ Petition has been filed for quashing and setting aside of the FIR bearing No.I-66 of 2016 registered with the Vadner Police Station, Tal. Malegaon Nashik on 08/08/2016 for the offences punishable under Sections 143, 147, 148, 149, 452, 324, 323, 504 and 506 of the Indian Penal Code.

3 The said FIR has arisen out of the incident which allegedly took place on 19/07/2016. It is not necessary to dilate further on facts as the first

informant i.e. the Respondent No.2 herein has filed an affidavit giving his no objection to the quashing of the FIR in question. In the context of the reliefs sought in the above Writ Petition, paragraph 4 of the said affidavit is material and is reproduced herein under :-

“4 I say that in view of the foregoing, the present Petition be allowed, thereby the FIR No.I-66 of 2016 dated 08.08.2016 registered with Vadner Police Station Malegaon filed undersections 143, 147, 148, 149, 452, 323, 324, 504, 506 of Indian Penal Code, subsequent proceeding being RRC No.190 of 2017 pending before the 6th Joint Civil Judge Junior Division and Judicial Magistrate First Class, Malegaon at Nashik be quashed and set aside against the Petitioners, further the the learned Counsel appearing for the. 6th Joint Civil Judge Junior Division and Judicial Magistrate First class Malegaon at Nashik be directed not to proceed further against the petitioners with respect of FIR No.I-66 of 2016 dated 08.08.2016 registered with Vadner Police Station Malegaon and proceeding thereafter.”

4 The Respondent No.2 i.e. the first informant is personally present in Court. He is identified by the learned counsel Mrs. Pratibha Chavan. He is also identified by his Aadhar Card bearing No. 204195262047. When put in the box and queried, he states that a settlement has arrived at between him and the Petitioners to the above Writ Petition amongst whom the Petitioner No.1 is his wife. He further states that he does not desire to proceed with the case in question. He lastly states that the affidavit tendered by his learned counsel is of his and he has signed the said affidavit of his own free will and volition.

5 The Petitioner No.1 Kusum Natha Chavan is also personally present in Court. She is identified by the learned counsel Shri S V Walve. She is also identified by her PAN Card No.BCRPC6083M. When put in the box and queried, she accepts the factum of the settlement having been arrived at between the parties as a consequence of which the Respondent No.2 does not desire to proceed with the case in question. It is not necessary to record the statements of other Petitioners in view of the statement of the Petitioner No.1 recorded herein above.

6 Having regard to the affidavit filed by the Respondent No.2 and the statements made by the Respondent No.2 and the Petitioner No.1 when put in the box and queried, the same lead to a conclusion that the parties have amicably resolved their dispute as a result of which the Respondent No.2 does not desire to proceed with the case in question. \

7 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, there is no impediment in allowing the above Criminal Writ Petition as no useful purpose would be served in keeping the proceedings pending.

8 The above Criminal Writ Petition is required to be allowed and is accordingly allowed and made absolute in terms of prayer clause (a). It is clarified that the proceedings in question being RCC No.190 of 2017 pending on the file of the 6th Joint Civil Judge Junior Division and Judicial Magistrate First Class, Malegaon would resultantly stand quashed and set aside. The above Criminal Writ Petition is accordingly disposed of. The Petitioners to deposit costs of Rs.3000/- with the Kirtikar Law Library, High Court Bombay within six weeks from date. Receipt to be obtained and filed in the Registry of this Court.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]