

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1026 OF 2015**

Bhagwant Ramchandra Pawar & Ors

..Applicants

Vs.

The State of Maharashtra & Ors

..Respondents

Mr. Abhijit Kandarkar for the Applicants

Mr. A. R. Kapadnis APP for the Respondent State

Mr. S. H. Deokar for the Respondent No.2

**CORAM :R. M. SAVANT, &
SANDEEP K SHINDE,JJ**

DATE : 10th JANUARY, 2018

P.C.

1 At the outset, the Learned Counsel for the Applicants seeks leave to amend so as to incorporate a further substantive prayer by way of prayer clause (aa) for quashing the proceedings being Criminal Case No.673/PW/2010. Leave granted. Amendment to be carried out forthwith.

2 The above Criminal Application has been filed for quashing of the said Criminal Case No.673/PW/2010 pending before the Learned Metropolitan Magistrate, 22nd Court, Andheri Mumbai, arising out of the FIR bearing No.311/2009 for offences punishable under Section 498A, 325, 504, 506 and 34 of the IPC, registered with the MIDC police station, Mumbai. The said FIR had arisen out of the matrimonial disputes between the parties. The Respondent No.2 i.e. the first informant is the wife of the Applicant No.1. The Respondent No.2 has filed her affidavit dated 10-8-2015. In the context of the

present Petition paragraphs 3 and 4 of the said affidavit are material and are reproduced hereinunder :

3 I say that during the pendency of the aforesaid proceedings, no cause of action arose for u/s 498 against by the applicants. But I realised that the FIR has been lodged on the basis of misunderstanding and ill-advice. I do not want to proceed with the Criminal proceedings initiated by me. Hence, I approached the Applicants and requested to get the FIR set aside.

4. I say that I have no objection if present Application is allowed and the FIR bearing No.311/2009 dated 12/6/2009 lodged with the MIDC Police Station, Mumbai is quashed and set aside.

4 The Respondent No.2 Hemlata Pawar is personally present in Court. She is identified by her Learned Counsel Mr. Deokar. She is also identified by her Pancard No.BENPP3612P. When put in the box and queried she reiterates what has been stated in her affidavit dated 10-8-2015. She states that on account of the settlement of the dispute between the parties she does not want to proceed with the said Criminal Case.

5 The Applicant No.2 Shekhar Pawar is also personally present in Court. He is identified by his Learned Counsel Mr. Kandarkar. He is also identified by his Adhar Card No.897158454138. When put in the box and queried he submits that the parties have arrived at a settlement as a consequence of which the Respondent No.2 does not desire to proceed with the FIR.

6 Hence the affidavit of the Respondent No.2 as well as the statements made by the parties in the box indicate that the parties have amicably settled their dispute and 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 by keeping the above proceedings pending. The above Criminal Application is accordingly allowed and made absolute in terms of prayer clause (aa). The above Criminal Application is accordingly disposed of.

7 The Applicant No.2 to pay costs of Rs.5000/- to the Kirtikar Law Library within 3 weeks from date, receipts to be obtained and filed in the registry.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]

1 (2012) 10 Supreme Court Cases 303

2 2014 AIR scw 2065