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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.3536 OF 2016**

Bhupendra N. Dwivedi and Ors.	...Petitioners
Versus	
The State of Maharashtra and Anr.	...Respondents

Mr.K.U.Nikam, for the Petitioners.

Mrs.A.S.Pai, A.P.P for the Respondent-State.

Mr.Shriram Choudhari, for the Respondent No.2.

**CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.**

DATE : 21st JUNE, 2018

P.C. :

1. The above Writ Petition has been filed seeking quashing of the FIR being C.R.No.91 of 2016, registered with the Sangvi Police Station, Pune on 2nd April, 2016, for the offences punishable under Sections 498-A, 420, 504, 506 r/w 34 of the Indian Penal Code.

2. The said FIR is a result of the marital discord between the Petitioner No.5 and the Respondent No.2, who are husband and wife. The parties are also involved in Miscellaneous Application No.1665 of 2017

filed in the Court of learned Civil Judge Senior Division, Pune, seeking divorce by mutual consent under Section 13B of the Hindu Marriage Act. The said Application, we are informed is to come up before the concerned Court tomorrow i.e. on 22nd June, 2018. The Respondent No.2 i.e. the First Informant has filed an affidavit bearing today's date i.e. 21st June, 2018 and affirmed before Mrs.Aliya N. Pathan, Notary, Greater Mumbai, Government of India. The said affidavit bears the Notarial Registration No.30433 dated 21st June, 2018. The said affidavit refers to the proceedings filed for divorce by the mutual consent as also there is an averment as regards the no objection of the Respondent No.2 for quashing of the FIR, which has been registered at her behest. Paragraph 7 of the said affidavit is material and is reproduced herein under:-

“7. I therefore say that I do not have any objection if the present petition is allowed and the FIR bearing no.91 of 2016 registered with Sangvi Police Station Pune dated 02/04/2016 u/s. 498A, 420, 504, 506 r/w 34 of IPC is quashed and set aside.”

3. The Respondent No.2 is also personally present in Court. She is identified by the learned counsel Mr.Choudhari. She is also identified by

her Aadhar Card bearing No. 6086 7095 6312. When put in the box and queried, she states that the affidavit tendered today is hers and that she has read and understood the contents. She further states that she does not desire to proceed with the FIR in question, in view of the settlement between the parties. She lastly states that she has filed the said affidavit of her own free will and volition.

4. The Petitioner No.5 is also personally present in Court. He is identified by the learned counsel Mr.Nikam. He is also identified by his Aadhar Card bearing No. 8010 3226 7029. When put in the box and queried, he accepts the factum of settlement being arrived at between him and the Respondent No.2, as a result of which, the Respondent no.2 does not desire to proceed with the FIR in question.

5. Hence, having regard to the application filed for divorce by mutual consent, the affidavit filed by the Respondent No.2 dated 21st June, 2018, the statements made by the Respondent No.2 and the Petitioner No.5, when put in the box and queried, the same unequivocally lead to a conclusion that the parties have settled their dispute, as a result of which the

Respondent No.2 does not desire to proceed with the FIR in question.

6. Having regard to the judgments of the Apex Court in the matter of Gian Singh V/s State of Punjab & Anr1 and Narinder Singh & ors v/s. State of Punjab & Anr2, no useful purpose would be served in keeping the FIR pending.

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

8. The above Criminal Writ Petition is accordingly disposed of.

9. The Petitioners to deposit costs of Rs.10,000/- in total and the Respondent No.2 to deposit costs of Rs.10,000/- with the Children Aid Society, Mumbai, within six weeks from date. Receipts to be obtained and filed in the Registry.

(REVATI MOHITE DERE, J.)

(R. M. SAVANT, J.)