

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3904 OF 2017**

Mahesh Bhausahab Kadus & Ors

..Petitioners

Vs.

The State of Maharashtra & Anr

..Respondents

Mr. H. P. Giri for the Petitioners

Mr. Swapnil Chopade for the Respondent No.2

Mrs. M. M. Deshmukh Addl PP for the Respondent State

**CORAM :R. M. SAVANT, &
SARANG V KOTWAL,JJ**

DATE : 4th APRIL, 2018

P.C.

1 The above Petition has been filed for quashing of the FIR in C.R, No.I-229 of 2016 registered with NRI Marine Police Station, Navi Mumbai, for offences punishable under Section 498A, 406, 323, 504, 506 r/w 34 of IPC. The said FIR has arisen on account of the matrimonial disputes between the Petitioner No.1 and the Respondent No.2 i.e. the first informant who are the husband and wife. It is not necessary to dilate further on facts in view of the fact that the parties have settled the dispute amicably and are filing Consent Terms bearing today's date i.e. 4-4-2018. In terms of the relief sought in the present Petition, paragraph numbered as 5 of the said consent terms is material and is reproduced hereinunder:

I say that, I am aware that, I am submitting that, I do not have any objection if the complaint lodged by myself with the NRI Marine police Station, Dist. Thane C. R. No.I-229 of 2016, for offences punishable u/s 498A, 406, 323, 504, 506 r/w 35

of IPC and all the proceedings arising pursuant to my complaint be quashed. I say that, I do not want to pursue the said complaint as against the Applicants.

However in paragraph 3 it has been stated that the Respondent No.2 is happily residing with the Petitioners.

2 The Respondent No.2 Mrs. Madhubala Kadus is personally present in Court. She is identified by the Learned Counsel Mr. Swapnil Chopade. She is also identified by her Adhar Card bearing No.830194656598. She is a woman Police Sub Inspector. When put in the box and queried, she states that she has read and understood the Consent Terms and that the same are acceptable to her and that she has signed the said Consent Terms of her own free will and volition.

3 The Petitioner No.1 Mahesh Kadus is personally present in Court. He is identified by the Learned Counsel Mr. H.P. Giri. He is also identified by his Adhar Card bearing No.931457595914. When put in the box and queried, he states that he has read and understood the Consent Terms and that the same are acceptable to him and that he has signed the said Consent Terms of his own free will and volition.

4 Hence the Consent Terms bearing today's date i.e. 4-4-2018 and

executed before Mr. Biddhu Panicker Notary and Advocate, High Court, having his office at Nerul (w), Navi Mumbai, the statements made by the Petitioner No.1 and the first informant i.e. the Respondent No.2 when put in the box and queried indicate that the parties have settled their dispute as a consequence of which the Respondent No.2 does not desire to proceed with the FIR. 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**, there is no useful purpose would be served in keeping the proceedings in question pending. The above Criminal Writ Petition is required to be allowed and is accordingly allowed and made absolute in terms of prayer clause (a). The above Criminal Writ Petition is accordingly disposed of.

5 The Petitioner No.1 and the Respondent No.2 to deposit costs of Rs.5000/- with the State Legal Aid Fund within 6 weeks from date. Receipt to be obtained and filed in the registry.

[SARANG V. KOTWAL, J]

[R.M.SAVANT, J]

1 (2012) 10 SCC 303

2 2014 AIR SCW 2065