

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.3676 OF 2016

Chirag Ramnik Vora Petitioner

Vs.

The State of Maharashtra & Ors. Respondents

Mr. Rupesh P. Bhalshankar a/w Ms. Sheetal Pawar for the
Petitioner.

Mr. Ajay Patil, Additional P.P for the State.

Ms. Meetal Savla i/by Mr. P.M. Shah for Respondent no.2.

Coram : R.M. Savant AND
Sarang V. Kotwal, JJ
Date : 26th April, 2018

P.C.

1 The above Writ Petition has been filed for quashing
of the criminal proceedings being C.C. No. 500/PW/12, pending
on the file of the learned 4th Metropolitan Magistrate, Girgaum,
Mumbai. The said case has arisen out of the charge-sheet
bearing No. 76 of 2013 registered on 9th April, 2013 with the V.P.
Marg Police Station, Mumbai. The said F.I.R. has arisen out of

the matrimonial dispute between the Petitioner and the Respondent no.2, who are husband and wife.

2 The parties were before the Family Court by way of a Marriage Petition. The Family Court had granted divorce to the Respondent no.2 herein. The said decree was challenged by the Petitioner herein by way of Family Court Appeal No. 77 of 2015. In the said Family Court Appeal, a statement came to be made on behalf of the Petitioner that the dispute has been amicably resolved between the parties. In view of the said statement made on behalf of the Petitioner by the learned counsel, the Division Bench dealing with the said Family Court Appeal permitted withdrawal of the said Family Court Appeal. The said order passed by the Division Bench is annexed to the Settlement Terms and Conditions dated 26th April, 2018 filed by the parties, which Settlement Terms have been affirmed in this Court on 26th April, 2018. The Settlement Terms have been signed by the respective parties. The Respondent no.2 has signed the

Settlement Terms below her signature both her married name as well as her maiden name appears.

3 The Respondent no.2, Hetal Chirag Vora is personally present in Court. She is identified by the learned counsel, Ms. Meetal Savla instructed by Mr. P.M. Shah. She is also identified by her Adhar Card bearing No. 8924 0951 2225. When put in the box and queried, she states that she has read and understood the contents of the Settlement Terms and Conditions and that she has signed the same of her own free will and volition. She lastly states that she does not desire to proceed with the case in question, in view of the settlement arrived at between the parties.

4 The Petitioner, Chirag Ramnik Vora is also personally present in Court. He is identified by the learned counsel, Mr. Rupesh Bhalshankar. He is also identified by his Adhar Card bearing No. 9178 7535 6679. When put in the box and queried,

he accepts the factum of the settlement terms and conditions dated 26th April, 2018 having taken place between the parties. He further states that he has been readover and understood the Settlement Terms of Compromise and Conditions. He states that in view of the settlement arrived at between him and the Respondent no.2, the Respondent no.2 does not desire to proceed with the case in question.

5 Having regard to the aforesaid facts as also 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. Vs. State of Punjab & Anr., reported in (2014) AIR SCW, 2065 no useful purpose would be served in keeping the proceedings pending. The petition would accordingly be required to be allowed and is accordingly allowed and made absolute in terms of prayer clause (B).

6 The Petitioner and the Respondent no.2 to deposit costs of Rs.10,000/- each i.e. totalling Rs.20,000/- with the State Legal Aid Fund within six weeks from today. Receipts to be obtained and filed in the Registry.

(Sarang V. Kotwal, J.)

(R.M. Savant, J.)