

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4185 OF 2017**

Kishor Narayan Patil & Ors

..Petitioners

Vs.

Kavita Kishor Patil & Anr

..Respondents

Mr. Mahendra N Sandhyanshiv for the Petitioners

Mr. Gaurang Jhaveri for the Respondent No.1

Mrs. P. P. Shinde APP for the Respondent No.2-State

**CORAM :R. M. SAVANT, &
SARANG V KOTWAL,JJ
DATE : 8th MARCH, 2018**

PC.

1 The above Writ Petition has been filed for quashing of the proceedings being RCC NO.276 of 2016 arising out of the FIR being C. R. No.31 of 2013 registered with the Camp Police Station, Malegaon for offence punishable under Sections 498A, 323, 504, 506 read with 34 of the IPC. The Petitioner No.1 and the first informant i.e. the Respondent No.1 herein are the husband and wife. It seems that the said FIR has arisen out of the matrimonial dispute between the parties. The first informant i.e. the Respondent No.1 herein has filed an affidavit dated 8-3-2018 which is sworn in this Court on the said day. In the said affidavit it has been stated in paragraph 5 that with the intervention of the relatives and elders in the family that the dispute between the parties was amicably resolved. In paragraph 7 it has been stated that the Respondent No.2 has no objection if the case in question arising out of C.R.

No.31 of 2013 is quashed and set aside. The said paragraph 7 is reproduced herein under for the sake of ready reference:

7. I say that the matter between the Petitioners and me is amicably settled out of court. Hence I have no grievance or allegations against the Petitioners about the said offence. I further say that I have no objection if the C r. No.31 of 2013 registered by me at the Camp Police Station, Malegaon and charge sheet, is quashed and set aside against the Petitioners.

2 The Respondent No.1 Kavita Patil is personally present in Court. She is identified by the Learned Counsel Mr. Gaurang Jhaveri. She is also identified by her Adhar Card No.438957896647. When put in the box and queried, she states that she has read the affidavit bearing today's date which is tendered by the Learned Counsel appearing for her in Court today. She states that she has understood the contents of the said affidavit and that she does not want to proceed with the case in question on account of the settlement arrived at between the parties.

3 The Petitioner No.1 Kishor Patil is also personally present in Court. He is identified by the Learned Counsel Mr. Sandhyanshiv. He is also identified by his Adhar Card No.559223297299. When put in the box and queried he accepts the factum of the settlement arrived at between the parties as a consequence of which the Respondent No.1 does not desire to proceed with the proceedings in question.

4 The affidavit of the Respondent No.2 as also the statements made by the Respondent No.1 and the Petitioner No.1 when put in the box and queried lead to a conclusion that the parties have amicably resolved their dispute as a consequence of which the Respondent No.1 does not desire to proceed with the case in question. 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 Writ Petition. No useful purpose would be served in keeping the proceedings pending, the above Writ Petition is accordingly allowed and made absolute in terms of prayer clause (a). The above Writ Petition is accordingly disposed of.

5 The Petitioner to pay costs of Rs.3000/- to be deposited with the Kirtikar Law Library, High Court Mumbai, 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 Supreme Court Cases 303

2 2014 AIR scw 2065