

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4216 OF 2017**

Mr. Mandar Chandrakant Ambetkar & Ors	..Petitioners
Vs.	
Mrs. Vinita Mandar Ambetkar & Anr	..Respondents

Mr. H. D. Magar for the Petitioners
Respondent No.1 Mrs. Vinita Ambetkar present
Mr. A. R. Kapadnis APP for the State

**CORAM :R. M. SAVANT, &
SANDEEP K SHINDE,JJ
DATE : 30th JANUARY, 2018**

P.C.

1 At the outset, leave to amend is granted so as to correct the name of the Respondent No.2 from “Vanita” to “Vinita”. Amendment to be carried out forthwith.

2 The above Petition has been filed for quashing of the FIR being No.I-87/2017 dated 22-6-2017 registered with the Tilak Nagar Police Station, Dombivli (E) for offences punishable under Section 498A, 406 r/w 34 of the Indian Penal Code, 1860. The Petitioner No.1 and the Respondent No.1 were married on 3-12-2014. The subject FIR has arisen out of the matrimonial disputes between the parties. The parties are before the Family Court by way of Joint Marriage Petition No.930 of 2017 which has been filed by them for divorce under Section 13(B) of the Hindu Marriage Act, 1985 and which is to

come up on 28-3-2018. In the said Marriage Petition it is averred in clause (vi) after paragraph 4 that the Respondent No.1 herein who is the Petitioner No.2 in the said Marriage Petition would take back the criminal complaint filed by her under Sections 498A, 406 and 34 of the Indian Penal Code, 1860 with the Tilak Nagar Police Station, Dombivli (E). Prior thereto it has been averred by the parties that they have agreed to the dissolution of their marriage by mutual consent under Section 13(B) of the Hindu Marriage Act. Hence a reading of the said Marriage Petition discloses that the parties have decided to annul their marriage by mutual consent under Section 13(B) of the Hindu Marriage Act and that the Respondent No.1 herein has also agreed to take back the criminal complaint filed by her under Section 498A which is the instant FIR.

3 The first informant i.e. the Respondent No.1 is personally present in Court. She is identified by the Petitioner No.1 who is her husband. She is also identified by her Adhar Card bearing No.649066558-85. She states that the Adhar Card is in her maiden name Ms Vinita Suresh Borgharkar. When put in the box and queried she states that the averments made in the said Joint Marriage Petition No.930 of 2017 are acceptable to her. She has read and understood the same and that she and the Petitioner No.1 are seeking divorce by mutual consent and that in view of the settlement between the parties she is agreeable to the quashing of the FIR.

4 The Petitioner No.1 Mandar Ambetkar is also personally present in Court. He is identified by the Learned Counsel Mr. Magar. He is also identified by his Pan Card bearing No.BCAPA6596E. When put in the box and queried he states that the averments in the Joint Marriage Petition No.930 of 2017 have been read and understood by him and that the same are acceptable to him. He further states that the Respondent No.1 is agreeable to the quashing of the instant FIR in view of the settlement between the parties.

5 In view of the averments made in the said Joint Marriage Petition No.930 of 2017 as also having regard to the statements made by the Respondent No.1 and the Petitioner No.1, it is clear that the parties have settled their dispute and as a result the Respondent No.2 does not desire to proceed with the FIR lodged by her. 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 Writ Petition. No useful purpose would be served in keeping the proceedings pending, the above Criminal Writ Petition is accordingly allowed and made absolute in terms of prayer clause (b). The above Criminal Writ Petition is accordingly disposed of.

1 (2012) 10 Supreme Court Cases 303

2 2014 AIR scw 2065

7 In view of the fact that the machinery of this Court has been used to settle the dispute, it would be just and proper that the Petitioner No.1 and the Respondent No.1 to deposit costs of Rs.10,000/- each totalling Rs.20,000/- with the Mumbai Police Welfare Fund in the office of the Commissioner of Police Mumbai, within 6 weeks from date, receipts to be obtained and filed in the registry.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]