

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1078 OF 2017

Sharad Ladoba Pandit & Anr.] ... Applicants

Versus

The State of Maharashtra & Ors.] ... Respondents

Ms. Prabha U. Badadare for Applicants.

Dr. F. R. Shaikh, Addl. P. P. for State – Respondent No.1.

Mr. Amol Joshi for Respondent No.2.

CORAM :- R. M. SAVANT &
SARANG V. KOTWAL, JJ.
DATE :- 15 MARCH, 2018

P. C. :-

1. Leave to amend is granted so as to join husband Mr.Prathamesh Sharad Pandit as the Applicant No.3 to the above Criminal Application. Amendment to be carried out forthwith.

2. The above Criminal Application has been filed for quashing of the FIR being C.R.No.06 of 2016 registered with the M.H.B. Colony Police Station, Mumbai, for the offences punishable under Sections 498A and 406 read with Section 34 of the IPC. The

said FIR has arisen out of the matrimonial dispute between the Applicant No.3 and the Respondent No.2 herein who are husband and wife. The parties were also before the Family Court in Petition No.A-54/2016 wherein the parties arrived at a settlement which was reduced into writing by way of Consent Terms which were executed on 17/02/2018. In the context of the reliefs sought in the above Application, Clause 8 of the said Consent Terms is material and is reproduced hereinunder.

“8. It is agreed between the parties that wife will co-operate by furnishing appropriate affidavit in Criminal Application No.1078/2017 pending before the Hon'ble High Court for quashing of F.I.R. II-06/2016 registered with M.H.B. Colony Police Station, Borivali.”

3. The Respondent No.2 has also filed an Affidavit bearing today's date i.e. 15/03/2018. To the said Affidavit are annexed the Consent Terms. Para 5 of the said Affidavit is material and is reproduced hereinunder.

“5. I say that I hereby give my unequivocal consent to quash the said F.I.R. being No.06/2016 registered with M.H.B. Colony Police Station, Borivali, Mumbai on the ground that the parties have settled dispute with each other and willing to compound offence as per the terms and condition imposed by the Hon'ble Court.”

A reading of the Consent Terms as well as the Affidavit, therefore, discloses that the parties have amicably settled their dispute.

4. The Respondent No.2 is personally present in Court. She is identified by learned Counsel Mr. Amol Joshi. She is also identified by her Aadhar Card bearing No.7379 1280 5132. The Aadhar Card is in her maiden name Neha Ravindra Ranade. When put in the box and queried, she states that she has read the Consent Terms which are acceptable to her and that she has signed the Consent Terms of her own free will and volition. She further states that the Affidavit tendered by the learned Counsel Mr. Amol Joshi today is hers and that the Affidavit has been read by her and she has understood the contents of the same and that she has signed the said Affidavit of her own free will and volition. The Applicant No.3 husband is working in Singapore and therefore, he is not present in Court today. However, his Power of Attorney i.e. Applicant No.1 father Sharad Ladoba Pandit is personally present in Court. He is identified by learned Counsel Mrs. Badadare. He is also identified by his Aadhar Card bearing No.8629 1582 1544. When put in the box and queried, he states that he is aware of the settlement arrived at between his son i.e. Applicant

No.3 and the Respondent No.2. He further states that the said settlement is acceptable to his son as also himself.

5. The aforesaid facts, therefore, show that the parties have amicably resolved their dispute as a consequence of which the Respondent No.2 does not desire to proceed with the FIR in question.

6. Having regard to the Consent Terms filed in the Family Court, the Affidavit of the Respondent No.2 as also the statements made by the Respondent No.2 and the Petitioner No.1 when put in the box and queried and having regard to the Judgments of the Apex Court in the cases of Gian Singh Vs. 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 by keeping the above Criminal Application pending. There is, therefore, no impediment in allowing the above Criminal Application. The Criminal Application is accordingly allowed and made absolute in terms of prayer clause (b).

7. In terms of Clause 9 of the Consent Terms, the Applicant No.1, through learned Counsel Mrs. Badadare, hands over the said cheque to the learned Counsel Mr. Joshi for being handed over to the Respondent No.2.

8. In the facts and circumstances of the case, where the machinery of this Court is utilized for settling the dispute between the parties, the Applicants to deposit costs of Rs.10,000/- with the State Legal Aid Funds within six weeks from date. Receipt to be obtained and filed in the Registry.

(SARANG V. KOTWAL, J.)

(R. M. SAVANT, J.)