

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4149 OF 2016**

Rajkumar Kaushik & Ors. ...Petitioners
Versus
The State of Maharashtra & Anr. ...Respondents

**WITH
CRIMINAL WRIT PETITION NO. 2782 OF 2018**

Vandana R. Sharma ...Petitioner
Versus
State of Maharashtra & Anr. ...Respondents

Mr. Ashok Mishra a/w Mr. Pradeep Dube i/b Ms. Riddhi D. Shah for
the Petitioners in both the Petitions

Ms. R. M. Pethe, A.P.P for the Respondent No.1-State in
WP/4149/2016

Mrs. S. D. Shinde, A.P.P for the Respondent No.1-State in
WP/2782/2018

Mr. Vikas Nagwan for the Respondent No. 2 in both the Petitions

***CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.
FRIDAY, 29th JUNE, 2018***

P.C. :

1 The above Petitions have been filed by two sets of
Petitioners for quashing of the same FIR being No. 190 of 2016
registered with Sangli Police Station for offences punishable under
Section 193, 379, 385, 406, 418, 427 and 34 of the Indian Penal Code.

The FIR is a fall out of the matrimonial disputes between Vandana, the Petitioner and her husband. The first informant is the father-in-law of the Petitioner, Vandana in Writ Petition No. 2782 of 2018 and the Petitioners in Writ Petition No. 4149 of 2016 are her relations. It is not necessary to dilate further on facts as the parties have entered into a settlement which is recorded in the Settlement Deed/Memorandum of Understanding dated 7th April 2018. In terms of the said settlement, the parties i.e. Gaurav Ajay Shah and the wife Vandana are to seek decree of divorce by mutual consent. The proceedings have accordingly been filed in the Family Court at Delhi and it seems that the first application being Hindu Marriage Application No. 699 of 2018 was allowed by the learned Judge of the Family Court and the matter is now awaiting final orders to be passed, which is to take place after a period of 6 months of the passing of the order on the first application. The Deed of Settlement also contains other terms and conditions on the basis of which the parties have agreed to settle their dispute. It is not necessary for us to go into the said aspects in the above Petitions.

2 The Respondent No.2 in each of the above Petitions i.e. Ajay Babulal Shah who is the first informant and who is the father of the husband-Gaurav Ajay Shah has filed an affidavit in this Court in both the Petitions. The said affidavits are identical as regards their contents. The said affidavits have been affirmed before Mr. Bidhu Panicker, Notary (Government of India), having his address at Sandeep Apartments, Plot No. A/197, Sector 20, near Balaji Temple, Nerul (West), Navi Mumbai. In the context of the relief sought in the above Petitions, paragraph 5 of the said affidavits is material and is reproduced herein under.

“5. That since the matter is already settled between the parties and the Respondent no.2/deponent has no objection in case this Hon'ble court quashes the FIR bearing no. 190/2016 PS Sangli Town in the interest of justice.”

3 The Respondent No.2 is also personally present in Court. He is identified by the learned counsel Mr. Vikas Nagwan. He is also identified by his Driving License bearing No MH-10-19900009643

issued on 20th December 1990 and valid till 14th April 2019. When put in the box and queried, he states that he has read and understood the contents of the affidavits filed by him. He further states that there is a settlement between his son Gaurav Shah and Vandana. He lastly states that in view of the said settlement, he does not desire to proceed with the case in question.

4 The Petitioner-Vandana is also personally present in Court. She is identified by the learned counsel Mr. Ashok Mishra. She is also identified by her Aadhar Card bearing No. 439124601280. When put in the box and queried, she accepts the factum of settlement between the parties. As a result of which, Mr. Ajay Babulal Shah does not desire to proceed with the case in question.

5 Having regard to the Settlement Deed dated 7th April 2018, the application being HMA No. 699 of 2018 filed in the proceedings in the Family Court for divorce by mutual consent, the affidavits filed by the Respondent No. 2 dated 29th June 2018 and the

statements made by the Respondent No. 2 and Vandana when put in the box and queried, the same indicate that the parties have amicably resolved their dispute, as a consequence of which, the first informant Ajay Babulal Shah is not desirous of proceeding with the FIR in question.

6 Having regard to the judgments of the Apex Court in the matters of *Gian Singh vs. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. vs. State of Punjab & Anr.*², no useful purpose would be served in keeping the proceedings in question pending. The above Criminal Writ Petitions are required to be allowed and are accordingly allowed. Writ Petition No. 2782 of 2018 is made absolute in terms of prayer clause (b). Insofar as Writ Petition No. 4149 of 2016 is concerned, since it is already admitted. Rule is made absolute therein in terms of prayer clause (b).

7 In the facts and circumstances of the case, the Petitioners to deposit cost of Rs. 10,000/- in total as also the Respondent No. 2 to

1 (2012) 10 SCC 303
2 2014 AIR SCW 2065

deposit cost of Rs. 10,000/- with the Central Society for the Education of the Deaf at Farook S. Umarbhoy Path, Agripada, Mumbai, within 6 weeks from date. Receipts to be obtained and filed in the Registry.

REVATI MOHITE DERE, J.

R. M. SAVANT, J.