

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.4226 OF 2016

Ujjwala Santosh Patil and anr. : Petitioners.
Versus
The State of Maharashtra and anr. : Respondents.

**ALONG WITH
CRIMINAL WRIT PETITION NO.4225 OF 2016**

Sandeep Suryakant Kadam and anr. : Petitioners.
Versus
The State of Maharashtra and anr. : Respondents.

Mr. S P Shinde for the Petitioners.
Mr. F R Shaikh, Addl. PP for the Respondent/State.
Mr. A V Pawaskar for the Respondent No.2.

**CORAM : R. M. SAVANT &
SARANG V. KOTWAL, JJ.**
DATE : 27th APRIL 2018

P.C.

1 The above Writ Petition No.4225 of 2016 is not on board. The same is produced as it is companion to the above Writ Petition No.4226 of 2016 which is arising out of the same FIR. Hence taken on board for hearing

2 The above Writ Petitions have been filed for quashing of the FIR being C.R.No.181 of 2016 registered with Navghar Police Station, Mulund (E), Mumbai for the offences punishable under Sections 498A, 420, 506, 504 r/w 34 of the Indian Penal Code.

2 The said FIR is on account of the matrimonial dispute between the Petitioner No.1 in Writ Petition No.4225 of 2016 and the Respondent No.2 herein who are husband and wife. The Petitioners in Writ Petition No.4225 of 2016 are the husband and mother of the husband. The Petitioners in Writ Petition No.4226 of 2016 are the sister in law of the first informant and her husband.

3 The parties were before the Family Court in Marriage Petition No.A-2268 of 2017. In the said Marriage Petition the parties have filed Consent Terms for seeking divorce by mutual consent. In the context of the reliefs sought in the above Writ Petitions, paragraph 6 of the said Consent Terms is material and is reproduced herein under :-

“6 In view of this settlement both hereby agree to proceed for quashing of 498A vide no..C.R.181/2016, at Mulund, Navghar Police Station.”

4 The Respondent No.2 has filed affidavits in both the above Petitions. She has referred to the Consent Terms in the said affidavits and though she has opposed the above Petitions, she ultimately states that in view of the Consent Terms between the parties, the FIR being No.181 of 2016 be quashed and set aside.

5 The Respondent No.2 is personally present in Court. She is

identified by her learned counsel Shri A V Pawaskar. She is also identified by her driving license bearing No. MH12 – 20100052121 issued on 05/06/2010 and valid till 04/06/2030. The said driving license is in her maiden name Manasi Salvi. When put in the box and queried she accepts the factum of Consent Terms being filed in the Family Court. She also accepts that there is a settlement between the parties as a result of which she does not desire to proceed with the FIR in question. She accepts that the affidavits tendered today by the learned counsel Shri A V Pawaskar are hers and that the contents of the said affidavits are acceptable to her.

6 The Petitioner No.1 Sandeep Kadam in Writ Petition No.4225 of 2016 is personally present in Court. He is identified by his Aadhar Card bearing No.676346840206. When put in the box and queried, he accepts the factum of settlement having taken place between the parties as a consequence of which the Respondent No.2 herein does not desire to proceed with the FIR in question.

7 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 v/s. State of Punjab & Anr reported in 2014 AIR SCW 2065, no useful purpose would be served in keeping the proceedings pending.

8 In view of the statements made by the parties when put in the box, the above Criminal Writ Petitions are required to be allowed and are accordingly allowed and made absolute in terms of prayer clause (b). The above Criminal Writ Petitions are accordingly disposed of. The Petitioners to deposit costs of Rs.10,000/- with the State Legal Aid Fund within six weeks from date. Receipt to be obtained and filed in the Registry of this Court.

[SARANG V. KOTWAL, J]

[R.M.SAVANT, J]