

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

CRIMINAL APPLICATION NO.1179 OF 2017

Saquib Arif Vanjara and ors. : Applicants
versus
The State of Maharashtra and anr. : Respondents.

Mr. Ali Bubera I/by Ms. Nidhi G Dotiya for the Applicants.
Mr. V B Konde-Deshmukh, Addl. PP for the Respondent/State.
Mr. Rahul B Dangle for the Respondent No.2.

**CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.**
DATE : 16th AUGUST 2018

P.C.

1 The above Criminal Application has been filed for quashing the FIR being No.391 of 2016 registered with the Malad Police Station, Mumbai for the offences punishable under Sections 498A, 377, 315, 323, 406, 506 (II), 504 r/w 34 of the Indian Penal Code. The said FIR is a consequence of the marital discord between the Petitioner No.1 and the Respondent No.2 who are husband and wife.

2 It is not necessary to dilate further on facts. The Respondent No.2 – Ms. Shamaila Jurai has filed affidavit dated 21/11/2017 and affirmed before Shri Balwant M patil, Advocate & Notary, Govt. of India, having his office at 404-D1, Tapovan Deep CHS Ltd. Pathanwadi, Malad (E), Mumbai – 400 097. In the context of the relief sought in the above Criminal Application, paragraph

7 of the said affidavit is material and is reproduced herein under :-

“7 I say that I shall co-operate to exonerate the Applicants from the aforesaid complaint filed by me for supporting the prayers made in the present application. I say that I have no objection for quashing the aforesaid First Information Report No.391 of 2016 registered in the Malad Police Station for the offences punishable u/s. 498(A), 377, 315, 323, 406, 506(II), 504 r/w 34 of the Indian Penal Code.”

3 The Respondent No.2 herein i.e. the first informant Ms. Shamaila Jurai is personally present in Court. She is identified by the learned counsel Mr. Rahul B Dangle. She is also identified by her Aadhar Card bearing No.6886 1605 6875. When put in the box and queried, she accepts that she has filed the affidavit dated 21/11/2017 in the above Criminal Application. She states that she has filed the said affidavit in view of the settlement between the parties. She further states that in view of the settlement between the parties, she is not desirous of proceeding with the FIR in question. She lastly states that she has filed the said affidavit of her own free will and volition.

4 The Petitioner No.1 is also personally present in Court. He is identified by the learned counsel Shri Ali Bubera. He is also identified by his Aadhar Card bearing No.5032 3969 7490. When put in the box and queried, he accepts the factum of the settlement having taken place between him and the Respondent No.2 who is his wife as a result of which the Respondent No.2 is not desirous of proceeding with the FIR in question.

5 In view of the statement recorded of the Applicant No.1 it is not necessary to record the statements of the other Applicants who are his parents.

6 Having regard to the affidavit dated 21/11/2017 filed by the Respondent No.2, the statements of the Respondent No.2 and the Applicant No.1 when put in the box and queried, the same unequivocally indicate that the parties have settled their dispute as a result of which the Respondent No.2 is not desirous of proceeding with the FIR in question.

7 In the aforesaid conspectus of fact, 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, assume importance. In terms of the said judgments, no useful purpose would be served in keeping the proceedings pending.

8 The above Criminal Application is required to be allowed and is accordingly allowed and made absolute in terms of prayer clause (a). The above Criminal Application is accordingly disposed of.

9 In the facts and circumstances of the present case, the Applicant

No.1 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.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]

Laxmikanth
Gopal
Chandan

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by Laxmikanth
Gopal Chandan
Date: 2018.08.24
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