

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

CRIMINAL APPLICATION NO.1181 OF 2017

Madhur Mohan Sonawani and ors. : Applicants.
Versus
The State of Maharashtra and anr. : Respondents.

Ms. Nikita K Padechia i/by Mr. V D Upadhyay for the Applicants.
Mr. Him K Padechia for the Respondent No.2.
Mr. K V Saste, APP for the Respondent/State.

**CORAM : R. M. SAVANT &
SANDEEP K SHINDE, JJ.**
DATE : 12th JANUARY 2018

P.C.

1 The above Criminal Application has been filed for quashing of the FIR No.187 of 2017 registered with M.H.B. Colony Police Station, Mumbai for the offences punishable under Sections 498-A, 406, 377, 325, 506, 504 r/w w Section 34 of the Indian Penal Code.

2 The Applicants herein which includes the Applicant No.1 husband pursuant to acquiring knowledge of lodging of the FIR had filed Anticipatory Bail Application No.978 of 2017. In the said Anticipatory Bail Application proceedings parties were referred to mediation and in the said process have amicably settled their disputes and have filed Consent Terms dated 09/11/2017 which are marked as Exhibit-9 by the Sessions Court.

3 In terms of the relief sought in the above Criminal Application

clause 6(A) of the said Consent Terms is material and is reproduced herein under :-

“Clause 6: The Victim/Mrs. Anjali Sonawani agreed to withdraw/ no pressed/ consent for quashing the following case :-

(A) :- FIR 187 of 2017 pending before Borivali MHB Police Station.”

4 The First Informant i.e. the Respondent No.2 herein Ms. Anjali Sonawani has also filed the “Affidavit” dated 20/12/2017. Paragraphs 2 and 3 of the said Affidavit are relevant and are reproduced herein as under :-

“2 I say that the matter has been settled between the parties both in Dindoshi Court and Family Court and Consent Terms are filed.

3 I say that accordingly I have no objection if the writ petition filed before this Hon'ble Court is allowed.”

5 Hence in terms of the Consent Terms filed in the Anticipatory Bail Application proceedings as well as having regard to the paragraphs 2 and 3 of the Affidavit filed by the Respondent No.2, it is clear that the parties have amicably resolved their disputes.

6 The Respondent No.2 Ms Anjali Sonawani is personally present in Court. She is identified by the learned counsel Shri. Him K Padechia. She is

also identified by her Passport bearing No.R-6244426 issued on 23/11/2017 which is valid up to 22/11/2027. When put in the box and queried, she accepts the fact that the Consent Terms were arrived at in the Anticipatory Bail Application proceedings. She also accepts the statements made in her affidavit dated 20/12/2017 which is tendered by the learned counsel Shri Him Padechia and states that she has filed the said Affidavit of her own will and volition.

7 The Applicant No.1 Madhur Sonawani is personally present in Court. He is identified by the learned counsel Ms. Nikita Padechia. He is also identified by his Aadhar Card bearing No.4965 0665 3679. When put in the box and queried, he accepts the fact that the settlement has been arrived at between the parties in the Anticipatory Bail Application proceedings. He further accepts the fact that it is pursuant to the said settlement that the Respondent No.2 has filed the Affidavit dated 20/12/2017.

8 Having regard to the Consent Terms and the Affidavit filed by the Respondent No.2 coupled with the statements made by the parties in the box, as also having regard to the judgments of the Apex Court in matter of Gian Singh Vs. State of Punjab and Anr reported in (2012) 10 SCC 303 and Narinder Singh and ors v/s. State of Punjab and anr. reported in 2014 AIR SCW 2065, there is no impediment in allowing the above Criminal Application. No useful purpose would be served in keeping the proceedings pending. The

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

9 The Applicant No.1 to pay costs of Rs.20,000/- to be paid over to the National Association of Blind, Worli, Mumbai within a period of six weeks from date. The Respondent No.2 to pay costs of Rs.10,000/- to be paid over to the Maharashtra Legal Aid Fund within a period of six weeks from date. The receipts to be obtained and filed in the Registry of this Court.

[SANDEEP K SHINDE, J]

[R.M.SAVANT, J]