

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4904 OF 2017**

Mr. Ravinder Jagatram Sharma & Ors

..Petitioners

Vs.

The State of Maharashtra & Anr

..Respondents

Mr. S. D.Shinde i/b Ergo Juri for the Petitioners

Mr.A. R. Kapadnis APP for the Respondent State

Mr. Shiv Kumar Mishra for the Respondent No.2

**CORAM :R. M. SAVANT, &
SANDEEP K SHINDE,JJ**

DATE : 10th JANUARY, 2018

P.C.

1 The above Criminal Writ Petition has been filed for quashing and setting aside the FIR being No.I-208/2017 registered with the Upnagar Police Station, Nashik on 3-6-2017 for the offences punishable under Sections 498A, 406 read with 34 of the IPC. The said FIR has arisen out of the matrimonial disputes between the parties.

2 The parties have arrived at a settlement in respect of their disputes which has been reduced into the writing by way of a Settlement Deed dated 19-10-2017, which is annexed to the above Petition at Exhibit B. In terms of paragraph 4 of the said Settlement Deed the parties have agreed that the Petitioner No.1 would file an application for quashing and the Respondent No.2 wife would not object to the same and would consent to the same. The other clauses of the Settlement Deed which contain various terms and

conditions on the basis of which the parties have arrived at the said settlement are not required to be referred to as they are not relevant in the context of the present Petition.

3 The Respondent No.2 has also filed her affidavit, in the context of the present Petition, paragraphs 2 and 3 of the said affidavit are material and are reproduced hereinunder:

2 I say and submit that I have filed the present complaint. Thereafter the disputes between all the Applicants and myself has been amicably resolved and therefore I have already settled and wish to withdraw the case U/s 498A, 406 and 34 of Indian Penal Code pending in the JMFC Court at Nashik.

3 I say and submit that I do not want to continue with the present case and also I do not wish to pursue my Complaint i.e. FIR No.I-208/17 for offences u/s 498A, 406 and 34 of IPC pending before the JMFC Court at Nashik.

4 The Respondent No.2 Mrs. Shobhna Sharma is personally present in Court. She is identified by the Learned Counsel Mr. Shivkumar Mishra. She is also identified by her Adhar Card bearing No.785429944661. When put in the box and queried she states that the parties have arrived at a settlement which is reduced into writing by way of the Settlement Deed which is annexed to the above Petition as Exhibit B. She further states that the affidavit tendered by the Learned Counsel bearing today's dated i.e. 10-1-2018 is affirmed by her

and that the contents of the said affidavit are acceptable to her.

4 The Petitioner No.1 Ravinder Sharma is personally present in Court. He is identified by the Learned Counsel Mr. Shinde. He is also identified by the photo identity given by his employer. The photo identify shows that he is working as a Chef in the UAE from 15-11-2016. The said photo identity has been issued by EMAAR. He is also identified by his passport bearing No.P2043556, photocopy of which is annexed at page 20 of the above Petition, issued on 25-8-2016 and expiring on 24-8-2026. When put in the box and queried he accepts the fact that the settlement has been arrived at between the parties which is reduced into writing by way of Settlement Deed which is annexed to the above Petition as Exhibit B. He also accepts the contents of the said Settlement Deed.

4 In so far as paragraph 4 of the above Writ Petition is concerned, the Learned Counsel for the Petitioner Mr. Shinde on instructions states that the Petitioner would withdraw the allegations made in the said paragraph 4. Statement accepted.

5 In view of the said Settlement Deed dated 19-10-2017 as also the statements made by the Respondent No.2 in the affidavit bearing today's date as also when put in the box and having regard to the judgments of the Apex

Court in the matter of **Gian Singh Vs. State of Punjab & Anr.¹** and **Narinder Singh & Ors. Vs. State of Punjab & Anr.²**, there is no impediment in allowing the above Criminal Writ Petition. No useful purpose would be served in keeping the proceedings pending, the above Criminal Writ Petition is accordingly allowed and made absolute in terms of prayer clause (a). The above Criminal Writ Petition is accordingly disposed of.

5 In view of the fact that the machinery of this Court has been used to settle the dispute, it would be just and proper that the Petitioner No.1 to deposit costs of Rs.20,000/- with the Maharashtra Police Welfare Fund in the office of the Commissioner of Police Mumbai within 8 weeks from date, receipt to be obtained and filed in the registry.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]

¹ (2012) 10 Supreme Court Cases 303

² 2014 AIR scw 2065