

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

***CRIMINAL APPELLATE JURISDICTION***

**CRIMINAL APPLICATION NO.1219 OF 2017**

Vilas Baburao Harale & Ors. ] ... Applicants

Versus

State of Maharashtra ] ... Respondent

Mr. R. L. Majgaonkar a/w Ms. Neeta Gaikwad i/b Mr. Anil L. Desai for Applicants.

Mr. Rajan Salvi, APP for State.

**CORAM :- R. M. SAVANT &  
SARANG V. KOTWAL, JJ.**

**DATE :- 15 MARCH, 2018**

**P. C. :-**

1. The above Criminal Application has been filed for quashing of MECR No3 of 2018 registered with the Vikhroli Police Station, Mumbai, for the offences punishable under Sections 494, 498A, 420, 406(2), 408, 471 and 506(2) read with Section 34 of the IPC. Amongst the Applicants is the first informant herself who is arrayed as the Applicant No.8. The above Application for quashing is founded on the factum of a settlement arrived at between the parties. The averments in the above Application are eloquent in that regard. We had heard the above Application on 12/03/2018 and having been

informed that the first informant is also an Applicant, we had orally directed the learned Counsel for the Applicants to keep the Applicant No.8 present in Court and file her independent Affidavit as her consent for quashing of the FIR. The learned Counsel for the Applicants Mr. Majgaonkar has accordingly tendered the Affidavit of the Applicant No.8 bearing today's date and affirmed in this Court. The defining paragraph of the said Affidavit is paragraph no.3 which, for the sake of ready reference, is reproduced hereinunder.

*“3. I humbly state and submit that, the matrimonial dispute between myself and my husband has been truly and genuinely settled and mutually compromised and we have already started staying together before and during the pendency of the anticipatory bail application and we are staying together today also. There is no dispute of any nature whatsoever left between us and we have genuinely and truly settled the same permanently.”*

A reading of the said paragraph, therefore, discloses that the Respondent No.2 and her husband are staying together and that there is no dispute of any nature whatsoever between the two. The Applicant No.8 is also personally present in Court. She is identified by the learned Counsel Ms. Neeta Gaikwad who had filed a joint Vakalatnama with Mr. Anil Desai for the Applicants. She identifies

her as the Applicant No.8. She is further identified by her PAN Card bearing no.AEVPH0471D. When put in the box and queried, she states that the dispute between her and her husband has been amicably resolved. She further states that she has read the contents of the said Affidavit and that they have been explained to her by the learned Counsel Ms.Neeta Gaikwad. She further states that the said Affidavit has been signed by her of her own free will and volition.

2. In the light of the averments in the Application as also having regard to the additional Affidavit filed by the Applicant No.8 i.e. the first informant, having regard to the Judgments of the Apex Court in the cases of Gian Singh Vs. State of Punjab & Anr. reported in (2012) 10 SCC 303 and Narinder Singh & Ors. Vs. State of Punjab & Anr. reported in 2014 AIR SCW 2065, there is no impediment in allowing the above Criminal Application. No useful purpose would therefore be served in continuing with the case in question. The Criminal Application is accordingly allowed and made absolute in terms of prayer clause (a).

(SARANG V. KOTWAL, J.)

(R. M. SAVANT, J.)