

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

**CRIMINAL WRIT PETITION NO.5102 OF 2017**

**Bhavesh Jayanti Sondarva and ors. : Petitioners.**  
**Versus**  
**The State of Maharashtra and anr. : Respondents.**

**Ms. Jyoti R Sahu i/by Dinesh C Patankar for the Petitioners.**  
**Mr.R M Sathe APP for the Respondent/State.**  
**Ms. Devaki Sahu for the Respondent No.2**

**CORAM : R. M. SAVANT &  
SARANG V. KOTWAL, JJ.**  
**DATE : 06<sup>th</sup> APRIL 2018**

**P.C.**

1           The above Writ Petition has been filed for quashing of the FIR being C.R.No.7 of 2017 registered with Tardeo Police Station on 06/01/2017 for the offences punishable under Section 498A, 406, 323, 504, 506 and 34 of the Indian Penal Code.

2           The said FIR has arisen out of the matrimonial dispute between the Petitioner No.1 and the Respondent No.2 who are husband and wife. It is not necessary to dilate further on facts as the Respondent No.2 herein who is the first informant has filed an affidavit dated 01/03/2018. In the context of the reliefs sought in the above Writ Petition, paragraphs 2, 3 and 4 of the said affidavit are material and are reproduced herein under :-

“2     I further stay that I and all the Accused persons have sat together and amicably settled the matter between the parties and finally decided to take back the above numbered cases. I say that I and Original Accused No.1 staying

together at afore mentioned title address, further I say that I have no complaint against above named Accused persons.

3 I say that I do not wish to continue with the case and hence the Complaint may be disposed off in view of the said Affidavit filed in the above numbered writ petition.

4 In view of the above I say that this Hon'ble Court be pleased to quashed the said C.R.No.07 of 2017 against the above named accused and to dispose off the above case in view of this Affidavit. And further release the Applicant/Accused in above numbered case.”

3 The Respondent No.2 – Preeti Bhavesh Sondarva is personally present in Court. She is identified by the learned counsel Ms. Devaki Sahu. She is also identified by her Aadhar Card bearing No.975126720316. When put in the box and queried, she states that she has read the affidavit dated 01/03/2018, which is affirmed in this Court on 01/03/2018, filed by her learned counsel. She further states that she has understood the contents of the said affidavit and that she has signed the said affidavit of her own free will and volition.

4 The Petitioner No.1 Bhavesh Jayanti Sondarva is also personally present in Court. He is identified by the learned counsel Ms. Jyoti Sahu. He is also identified by his Aadhar Card bearing No.700198444942. When put in the box and queried, he accepts the factum of the settlement being arrived at between him and his wife i.e. the Respondent No.2 herein.

5           The other Petitioners are the parents of the Petitioner No.1. In view of the fact that the statement of the Petitioner No.1 has been recorded, there is no warrant to record the statements of the other Petitioners.

6           Having regard to the affidavit filed by the Respondent No.1 herein and the statements made by the Petitioner No.1 and the Respondent No.2, the same unequivocally indicate that the parties have settled their dispute amicably as a consequence of which the Respondent No.2 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           The above Criminal Writ Petition is required to be allowed and is accordingly allowed and made absolute in terms of prayer clause (a). 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. The above Criminal Writ Petition is accordingly disposed of.

[SARANG V. KOTWAL, J]

[R.M.SAVANT, J]