

Rane

* 1/5 * APL-1235-2017 (SR.904)
Thursday, 11.1.2018

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1235 OF 2017

Ajay Anil Shinde and Ors.

....Applicants

V/s.

The State of Maharashtra
and Ors.

....Respondents

* * * * *

Ms. Pramila H. Salvi, Advocate for the applicants.

Mr. V.B. Konde-Deshmukh, APP for the respondent, State.

Ms. Supriyanka Gyanchand Maurya, Advocate for
respondent no.2.

CORAM :-

R.M.SAVANT, &

SANDEEP K. SHINDE, JJ.

DATE :-

11TH JANUARY, 2018.

P.C. :-

1. The above Criminal Application has been filed
for quashing the FIR No. 641 of 2017 registered with the
Malwani Police Station, Mumbai on 20th October, 2017 for

the offences punishable under Section 498A and 34 of the Indian Penal Code. The applicants are the husband and his other family members. The said FIR has arisen out of the matrimonial disputes between the parties. The First Informant i.e. respondent no.2 has filed an Affidavit bearing today's date i.e. 11th January, 2018 in the context of the relief sought in the above applications. Paras-9, 10 and 11 of the said Affidavit are material and are reproduced hereinunder :-

“9. I say that I want to join my matrimonial home forever; I want to withdraw the entire allegation made by me in the FIR no. 641 of 2017.

10. I say that I am withdrawing all the allegations made by me against all the Applicants herein without any force or coercion. I further say that I have no pressure to withdraw this allegation.

11. I say that I therefore giving my consent and

requested this Hon'ble Court to withdraw the allegation made by me in FIR No. 641 of 2017 filed under Section 498(A) r/w. 34 of IPC.”

2. A reading of the said paras therefore discloses that the First Informant does not want to precipitate things and wants to withdraw the allegations made by her against her husband, as well as, his family members. In para-8, she has also accepted the fact that the husband has handed over all original documents etc. to her. The First Informant is personally present in Court. She is identified by the Learned Counsel Ms. Maurya. She is also identified by her Aadhar Card No. 5896 5529 7323. When put in the box and queried, she states that, she has read and understood the contents of the Affidavit filed by her. She further states that, she wants to withdraw the allegations made by her against Ajay i.e. her husband and the family members. She further states that, she has no objection to the FIR being quashed and set aside. Petitioner no.1, Ajay i.e. the husband is also personally

present in the Court. He is identified by the Learned Counsel, Ms. Pramila Salvi. He is also identified by his Aadhar Card bearing no.3643 9763 1316. When put in the box and queried, he states that, though personally he and the First Informant i.e. the wife are staying separately, they intend to live together from today onwards as husband and wife and they have amicably resolved their disputes.

3. In view of the statement made by the First Informant i.e. respondent no.2, as also, the statement made by petitioner no.1, husband it is clear that the parties have settled their disputes and reconciled to live with each other. The First Informant has also stated that, she has no objection to the FIR being quashed and set aside.

4. In view thereof and in the light of the judgments of the Apex Court in the case of **Narinder Singh v. State of Punjab**, reported in (2014) 6 SCC 466, there is no impediment in quashing the

proceedings though the offences alleged are non-compoundable. Dictum of the Supreme Court in **Gian Singh v. State of Punjab reported in (2012) 10 SCC 303** would also lead to the same conclusion. That even otherwise, no useful purpose would be served by keeping the proceedings pending. The petition is therefore allowed in terms of prayer clause (a).

5. Learned Counsel for respondent no.2 undertakes to file Vakalatnama within one week from date. Undertaking accepted.

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)