

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1253 OF 2017**

Mr. Jitendra Lakshmichand Gurbani & Ors ..Applicants
Vs.
Mrs. Reena @ Disha Jitendra Gurbani & Anr ..Respondents

Mr. Chetan Alai i/b Mr. Anup Lahoti for the Applicants
Mr. Jaipal V. Tare Patil for the Respondent No.1
Mrs. P. P. Shinde APP for the Respondent No.2 State

**CORAM :R. M. SAVANT, &
SARANG V KOTWAL,JJ
DATE : 14th MARCH, 2018**

P.C.

1 The above Application has been filed for quashing of the FIR and the proceedings arising therefrom. The FIR has been registered with Wakad Police Station, Pune for the offences punishable under Section 498A, 323, 504 and 33 of the IPC. The proceedings are now numbered as C.C. No.3679 of 2016. The said FIR can be said to have been arisen out of the matrimonial dispute between the Applicant No.1 Jitendra Gurbani and the Respondent No.1 Reena Gurbani who are the husband and wife.

2 The parties have filed a Petition for divorce by mutual consent under Section 13(B) of the Hindu Marriage Act before the Family Court at Pune. The parties seem to have arrived at a settlement as a consequence of which they have agreed that they would not interfere in each other's lives. In the context of the present Petition paragraph 9 of the affidavit dated 12-

1-2018 filed by the Respondent No.1 which is sworn before the Notary Public Sunita Vanarse Advocate and Notary Govt. of India being notarial register No.136/18 dated 12-1-2018, is material and is reproduced hereinunder:

9. It is therefore requested that the C. R. No.217/2016 registered against the present Applicant and further proceeding arising out of the said C. R. may be kindly quash on such terms and conditions as may this Hon'ble Court may deem fit and proper in the interest of justice.

3 The Respondent No.1 Reena Gurbani is personally present in Court. She is identified by the Learned Counsel Mr. Jaipal Tarepatil. She is also identified by her Adhar Card bearing No.697075912887 which is in her maiden name Reena Mahesh Rohera. When put in the box and queried she states that she has been read over and explained the affidavit dated 12-1-2018 which has been tendered by the Learned Counsel Mr. Tarepatil in court today. 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 Applicant No.1 Jitendra Gurnani is also personally present in Court. She is identified by the Learned Counsel Mr. Chetan Alai i/b Mr. Anup Lahoti. He is also identified by his Adhar Card bearing No.608545771775 which Adharcad bears the address of Gujarat i.e. 115, Shantinagar, part/2, Nr. Rajmandir Tokiz, Dessa-palanpur highway, Dessa, Disa Mukhya Dak Ghar,

Banas Kantha, Gujarat 385535, as he was earlier residing at Gujrat. He is also identified by the Respondent No.1 as her husband. When put in the box and queried he states that a settlement has been arrived at between the parties as a consequence of which the Respondent No.1 does not desire to proceed with the proceedings.

5 In view of the affidavit filed by the Respondent No.1 and the contents thereof, the factum that the parties have filed Petition for divorce by mutual consent before the Family Court and having regard to the statement made by the Respondent No.1 and the Applicant No.1 when put in the box and queried, the same indicates that the parties have arrived at a settlement as a consequence of which the Respondent No.1 does not desire to proceed with the proceedings. 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 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.

[SARANG V. KOTWAL, J]

[R.M.SAVANT, J]

¹ (2012) 10 Supreme Court Cases 303

² 2014 AIR scw 2065