

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.5254 OF 2017

Shri. Deepak Maruti Chavan & Ors. Petitioners

Vs.

The State of Maharashtra & Anr. Respondents

Mr. Sandesh Deshpande for the petitioners.
Mr. Bhavesh Magan for Respondent no.2
Mr. Rajan Salvi, Additional P.P. for the State.

Coram : R.M. Savant AND
Sarang V. Kotwal, JJ
Date : 17th April, 2018

P.C.

1 The above writ petition has been filed for quashing of the proceedings bearing Regular Criminal Case No. 865 of 2016 pending before the learned Judicial Magistrate First Class, Ulhasnagar. The said case has arisen out of the F.I.R. bearing No. 384 of 2015 dated 30th December 2015, registered with the Shivaji Nagar Police Station, Ambarnath for the offences

punishable under Sections 498-A, 323, 504 read with 34 of the Indian Penal Code. The said FI.R. has arisen out of the matrimonial dispute between the Petitioner no.1 and the Respondent no.2, who are husband and wife.

2 It is not necessary to dilate further on facts as the Respondent no.2 has filed an affidavit dated 12th December 2017 affirmed in this Court. By the said affidavit, the Respondent no.2 has given her consent for quashing of the proceedings. In the context of the relief sought in the above writ petition, paragraph 4 of the said affidavit is material and is reproduced hereinunder :

“4. I say that in view of the aforesaid facts and circumstances, I have no objection to quash and set aside the FIR bearing No. I-384/2015 dated 30.12.2015 registered with Shivaji Nagar Police Station, Ambernath, District Thane and the consequential Regular Criminal Case No.865 of 2016 pending before the learned 3rd Joint Civil Judge (Junior Division) & Judicial Magistrate, First Class, Ulhasnagar.”

3 The Respondent no.2, Priyanka Deepak Chavan is personally present in Court. She is identified by the learned counsel, Mr. Bhavesh Magan. She is also identified by her Adhar Card bearing No. 8054 1517 6425. When put in the box and queried, she states that she has been readover and explained the contents of her affidavit filed in the above petition. She further states that she has understood the contents of the said affidavit and that she has signed the same of her own free will and volition. She lastly states that she does not want to proceed with the case in question.

4 The petitioner no.1 – Deepak Maruti Chavan is also personally present in Court. He is identified by the learned counsel, Shri. Sandesh Deshpande. He is also identified by his PAN Card bearing No. ANIPC1742L. When put in box and queried, he accepts the factum of the settlement arrived at between the parties. In view of the statement recorded of the Petitioner No. 1, it is not necessary to record the statements of

the other petitioners, who are his parents and brother. In view of the affidavit filed by the Respondent no.2 as also the statements of the Respondent no.2 and the Petitioner no.1 when put in the box and queried, the same unequivocally indicate that the dispute stands settled between the parties, as a result of which the Respondent no.2 does not desire to proceed with the case in question.

5 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. Vs. State of Punjab & Anr., reported in (2014) AIR SCW, 2065 no useful purpose would be served in keeping the proceedings pending. The petition would accordingly be required to be allowed and is accordingly allowed in terms of prayer clause (a).

(Sarang V. Kotwal, J.)

(R.M. Savant, J.)