

Rane

* 1/4 * WP-5332-2017-- (SR. 906)
Thursday, 11.1.2018

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 5332 OF 2017

Smt. Urmila Vishal Yewale

....Petitioner

V/s.

Vishal Bhushan Yewale & Ors.

....Respondents

* * * * *

Mr. P.R. Dave, Advocate for the petitioner.

Mr. D.V. Nawadkar i/by. Mr. Vishal Narkar, Advocate for
respondents no.1 to 8.

Mr. K.V. Saste, Addl. P.P. for the State.

CORAM :-

R.M.SAVANT, &

SANDEEP K. SHINDE, JJ.

DATE :-

11TH JANUARY, 2018.

P.C. :-

1. Petitioner, who is the complainant, has filed this petition for quashing the Crime No. 167 of 2015 registered at her instance with Kalachowkie Police Station, now bearing Criminal Case No. 160/PW/2016

under Section 498A, 406, 109, 323, 504 read with Section 34 of the Indian Penal Code by the petitioner against her in-laws and relatives.

2. The aforesaid FIR/case was consequence of the marital disputes between the parties. The parties were before the Family Court, by way of Marriage Petition No. A-135/2016 for divorce by mutual consent, filed under Section 13-B of the Hindu Marriage Act. In the said petition, the consent terms were filed on 27th February, 2017 in terms whereof, the petitioner herein has agreed to withdraw the proceedings in C.C. No. 160/PW/2016 filed by her against the respondents under Section 498 (A), 406, 109, 323, 504 r/w. 34 of the Indian Penal code which is pending in the 15th Mazgaon Court and has also agreed to withdraw Domestic Violence Case bearing No. M.A.80 of 2015 against the respondent which is pending in the Thane Court.

3. The petitioner is present in the Court. She admits the contents of the petition, as well as, the consent

terms. She is identified by her Advocate, Mr. Dave. She is also identified by the Aadhar Card bearing No. 6229 6419 5823. When put in the box and asked, she states that, she has understood the consent terms and she wants to withdraw the present proceedings in C.C. NO.160/PW/2016 pending in 15th Metropolitan Magistrate's Court at Mazgaon.

4. Respondent no.1 is present in the Court. He is identified by the Learned Counsel, Mr. Nawadkar. He is also identified by his Identity Card issued by the employee, namely Essel Group. Copy of the Identity Card is taken on record. When put in the box and queried, he accepts the consent terms which are at page-65 of the petition.

5. Considering the facts of the case and in view 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).

6. Respondent no.1, husband is directed to deposit cost of Rs.5,000/- to be deposited with the Maharashtra Legal Aid Fund within a period of 4 weeks from today.

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)