

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 208 OF 2019

1. Siddharth Sukant Shanbhag,
son of Sukant Venkatesh Shanbhag,
29 years of age, residing at
Ranghavi Estate,
Alto-Dabolim, Goa.
2. Sukant Shanbhag,
son of late Venkatesh Shanbhag,
55 years of age,
residing at Ranghavi Estate,
Alto-Dabolim, Goa.
3. Veena Shanbhag,
wife of the Petitioner No.2.
52 years of age,
residing at Ranghavi Estate,
Alto-Dabolim, Goa.
4. Surabhi Shanbhag,
daughter of Sukant Venkatesh
Shanbhag,
27 years of age, residing at Ranghavi
Estate, Alto-Dabolim, Goa.
5. Vinaykumar Mantravadi,
son of Dattaram Mantravadi,
72 years of age, residing at
Futuristic Habitat,
Susheela Apartments,

Alto-Porvorim, Penha-de Franca,
Goa.

... Petitioners.

Vs.

1. State of Goa,
Through Police Inspector,
Vasco Police Station,
Vasco Goa.

2. Smita Rajan Kudchadkar,,
daughter of Rajan Santa Kudchadkar,
29 years of age, residing at 'Ashirwad'
Opp. Ponda Municipal Council,
Ponda, Goa.

... Respondents

Mr. Ashwin Naresh Ramani, Advocate for the Petitioner.

Mr. Mahesh Amonkar, Public Prosecutor for Respondent No. 1.

Ms. A. Agni, Senior Advocate with Ms. J. Sawaikar, Advocate for
Respondent No. 2.

**Coram : M. S. Sonak &
Nutan D. Sardessai, JJ.**

Date : 18th September, 2019.

Oral Judgment: (Per M.S. Sonak, J)

Heard Mr. A. Ramani, learned Counsel for the Petitioners, Mr.
Mahesh Amonkar, learned Public Prosecutor on behalf of respondent

No. 1 and Ms. A. Agni, Senior Advocate on behalf of respondent No. 2.

2. Leave to add party. Amendment to be carried out forthwith.

3. Ms. J. Sawaikar appears and waives service on behalf of newly impleaded party.

4. This is a petition for quashing of proceedings bearing Criminal Case No. 92/2016 pending before the learned Judicial Magistrate, First Class, at Vasco-da-Gama in which the petitioners have been charged with offences punishable under Sections 498-A, 504, 506(ii) read with 323 and 34 of the Indian Penal Code (IPC) pertaining to Crime No. 40/2016 of the Vasco Police Station in Criminal Case No. 92/2016/A, pending before the learned Judicial Magistrate, First Class, Vasco-da-Gama.

5. Mr. Ramani and Ms. Agni, learned Counsel for the petitioner and respondent No. 2 respectively submit that the parties have settled the dispute between themselves and this is evident from the terms placed on record in this petition at Annexure 'C' to this petition. They refer to the following para of the settlement which is relevant for the

present matter:-

“Stage IV

a. The petitioner in the interregnum shall file petition u/s 482 of Cr.P.C. before this Hon'ble Court for quashing/compounding of offences under Section 498/A, 504, 506(ii) r/w Section 323 r/w 34 of I.P.C. pertaining to Cr. Case No. 40/16 of Vasco Police station/Cr. Case 92/16/A and the Respondent shall appear and consent to quashing/compounding of said offences against all the accused persons therein upon completion of the stage two and three. The Respondent shall withdraw on the very next day of completion of stage three the Cr. Case No.8/DVA/16/B pending before JMFC Ponda and Cr. Appeal No.86/17 pending before Addl. Sessions Judge, North Goa at Panaji subject to receipt and encashment of the Pay Order of Rs. 85,00,000/-.”

6. In terms of the aforesaid, they jointly submit that this petition be made absolute in terms of prayer Clause B of this petition.
7. Mr. Amonkar, learned Public Prosecutor for the State submits

that since this is a matrimonial dispute, which has been settled amicably between the parties, there can be no objection on behalf of the State to the quashing of the proceedings.

8. Accordingly, we quash the proceedings bearing Criminal Case No. 92/2016/A pending before the learned Judicial Magistrate, First Class at Vasco-da-Gama and make this petition absolute in terms of prayer Clause B.

9. However, in the peculiar facts and circumstances of the present case, we direct the petitioners to pay cost of Rs.20,000/- in favour of the Legal Services Authority, within a period of two weeks, from today.

10. The petition is allowed in the aforesaid terms.

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.

MF/-