

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 1203 OF 2019

Niket Pandurang Kamble and Ors.

...Applicants

Versus

Manish Kamble and Anr.

...Respondents

Mr. Nitin Vhatkar i/by. Mr. Gautam S. Hiranandani for the Applicants.

Mrs. Rutuja Ambekar, APP for Respondent – State.

Mr. Vinod Prajapati i/by. Mr. Anand Yadav for Respondent No. 1.

Mrs. Manish Niket Kamble Respondent no. 1 present.

CORAM : S.S. SHINDE, J.

DATE : 16th SEPTEMBER 2019

(ORAL JUDGMENT) :

1. Rule. Rule made returnable forthwith, with the consent of parties matter is taken up for final disposal at the stage of admission.

2. Learned counsel appearing for the applicants and first Respondent jointly submits that, the applicants and first Respondent have settled the dispute and to that effect consent terms are duly signed and verified by the parties. Consent terms have been filed before the Family Court in Petition No. A-763 of 2015 and the copy of the said consent terms is placed on record at pages 33 to 37 (Exhibit – B) of the compilation of the present application. Learned counsel for Ist Respondent had tenderd across

bar the affidavit of the Respondent No. 1.

3. Respondent No. 1 who is present in the Court, on specific query to her, whether the averments in the affidavit in reply and consent terms arrived in between the applicants and herself, are with her consent and free will or otherwise? In response to said query she stated that, she has understood the contents of the affidavit so also the contents of the consent terms and it is her voluntary act to agree for such consent terms. She stated that she has no objection to quash the proceedings of case bearing R.C.C. No. 1581 of 2014 pending before the 10th J.M.F.C. Court at Vashi, New Mumbai.

4. The applicants who are present in the Court, stated that they will abide by the consent terms.

5. In view of the settlement arrived between the parties no fruitful purpose would be served by keeping the proceedings in Case bearing RCC No. 1581 of 2014 pending before the 10th J.M.F.C. Court at Vashi, New Mumbai. The further continuation of said proceedings would amount to wastage of time since Respondent No. 1 is not going to support the allegations in the said complaint. Therefore, keeping in view the exposition of law by the Supreme Court in the case of *Gian Singh V/s. The State of Punjab reported in (2012) 10 SCC 303* so as to secure the ends of justice

and to prevent the abuse of process of Court, the application deserves to be allowed.

6. Accordingly, application is allowed in terms of prayer clause 'a'. Case No. RCC/1581/2014 pending on the file of the learned 10th J.M.F.C., Vashi, Navi Mumbai is hereby quashed and set aside. Rule made absolute in above terms. Accordingly, application is allowed and stands disposed of.

(S.S. SHINDE, J.)