

Esha

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 43 OF 2021 (F)

1. Shri Surjeet alias Rahul Chaturvedi, son of Ashesh Chaturvedi, 25 years of age, Private Service, Indian National and residing at Chawl, Narayan Nagar, Gaibansha, Durgah Road, Gurunak Nagar, Kewat Colony, Ghatkopar (West), Mumbai – 400 086;

2. Mrs. Pushpa Chaturvedi, wife of Shri Ashesh Chaturvedi, 45 years of age, Housewife, Indian National and residing at Chawl, Narayan Nagar, Gaibansha, Durgah Road, Gurunak Nagar, Kewat Colony, Ghatkopar (West), Mumbai – 400 086;

3. Mr. Ashesh Kumar alias Chaturvedi, son of Jagdamba Prasad Chaturvedi, 47 years of age, Rickshaw Driver, Indian National and residing at Chawl, Narayan Nagar, Gaibansha, Durgah Road, Gurunak Nagar, Kewat Colony, Ghatkopar (West), Mumbai – 400 086;

4. Miss Archana alias Sapana Chaturvedi, daughter of Shri Ashesh Chaturvedi, 21 years of age, unemployed, Indian National and residing at Chawl, Narayan Nagar, Gaibansha, Durgah Road, Gurunak Nagar, Kewat Colony, Ghatkopar (West), Mumbai – 400 086;

5. Mr. Shivam Chaturvedi, son of Shri Ashesh Chaturvedi, 22 years of age, Unemployed, Indian National and residing at Chawl, Narayan Nagar, Gaibansha, Durgah Road, Gurunak Nagar, Kewat Colony, Ghatkopar (West), Mumbai – 400 086;

...PETITIONERS

Versus

1. State of Goa (P.I. Porvorim Police Station), Through Public Prosecutor, (High Court of Bombay at Goa).

2. Mrs. Malati Devi, daughter of Shri Chintamani Chaubey, 25 years of age, housewife, Indian National and residing at C/o Shri Awadesh Kumar Chaubey, House No. 1010(B), Ambirna, Sucorro, Porvorim, Bardez, Goa.

...RESPONDENTS

Mr. Rajneesh Naik, Advocate *for the Petitioners.*

Mr. Sagar Dhargalkar, Additional Public Prosecutor *for Respondent No. 1.*

Mr. Jatin Ramaiya, Advocate *for Respondent No. 2.*

**CORAM: M.S. SONAK &
M. S. JAWALKAR, JJ.**
DATED: 5th October 2021.

ORAL JUDGMENT:

1. Heard Mr. Rajneesh Naik, the learned Counsel for the petitioners, Mr. Dhargalkar, the learned Additional Public Prosecutor for respondent no. 1 and Mr. Ramaiya, the learned Counsel for respondent no. 2.

2. Rule. Rule is made returnable forthwith with the consent and at the request of the learned Counsel for the parties.

3. Mr. Dhargalkar and Mr. Ramaiya waive service on behalf of the respondent whom they represent.

4. This Petition seeks quashing of the proceedings before the Judicial Magistrate First Class at Mapusa in Criminal Case No. IPC/148/2020/G.

5. Respondent no. 2-complainant, who is the wife of petitioner no. 1 and petitioner no. 1 have filed affidavits before us, which are marked as 'X' and 'Y' respectively for the purpose of identification. To the affidavits, memorandum of settlement dated 04.10.2021 is annexed. In the affidavit filed by respondent no. 2, she has stated that she has no objection for quashing of the criminal proceedings registered against the petitioners based on her complaint.

6. We have perused the memorandum of settlement. In terms thereof, some payments have been made to respondent no. 2 towards alimony. Though there is a reference to full and final settlement, the memorandum of the settlement itself provides that notwithstanding the aforesaid, if circumstances require, respondent no. 2 will be entitled to claim maintenance or expenses for her living or medical expenses in terms of law. The memorandum of settlement also records that the parties will take steps to seek dissolution of their marriage by due process of law.

7. Respondent no. 2 is present in the Court and upon our interviewing, has stated that she has entered into the

memorandum of settlement of her own accord after understanding its scope and implications. She has stated that she has no objection for quashing of the proceedings based on her complaint.

8. Having regard to the aforesaid, we quash the proceedings before the Judicial Magistrate First Class at Mapusa in Criminal Case No. IPC/148/2020/G and consequently, make the Rule absolute in terms of prayer clause (A).

9. Parties to file a certified copy of this order before the Judicial Magistrate First Class at Mapusa so that the proceedings in Criminal Case No. IPC/148/2020/G can be formally indicated as disposed of.

10. The Petition is disposed of in the aforesaid terms. There shall be no order as to costs.

M. S. JAWALKAR, J.

M. S. SONAK, J.

VAIGANKAR
ESHA SAINATH

Digitally signed by
VAIGANKAR ESHA SAINATH
Date: 2021.10.05 17:15:21
+05'30'