

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO.68 OF 2020

Mrs. Mary Jayne Dias Pinheiro,
wife of Mr. Bevit Pinheiro,
Aged 41 years,
R/o H.No.868, Pinheiro Palace,
Opp. Assolna Football Ground,
Assolna Salcette Goa.

... PETITIONER

Versus

1. State of Goa,
Through the Police Inspector,
Cuncolim Police Station,
Cuncolim, Bardez Goa.

2. Mrs. Evelyn Richard D'Souza
nee Evelyn Pinheiro,
wife of Mr. Richard D'Souza,
Aged 55 years, Indian National,
R/o Flat No.602, 6th Floor,
Arsha Villa, 49, St. Francis Avenue,
Santa Cruz (W), Mumbai.

...RESPONDENTS

Ms. Gautami Kamat, Advocate for the Petitioner under Legal Aid Scheme.

Mr. P. Faldessai, Additional Public Prosecutor for Respondent No.1.

Mr. Anirudh Salkar, Advocate for respondent No.2.

WITH

CRIMINAL WRIT PETITION NO.25 OF 2022

1. Mrs. Evelyn Richard D'Souza,
nee Evelyn Pinheiro,

wife of Mr. Richard D'Souza,
aged about 58 years,
Indian National,
resident of Flat No.602,
Arsha Villa, 49 – St. Francis Avenue,
Santa Cruz (West),
Mumbai 400054; and

2. Mr. Bevit Pinheiro,
Son of Late Mr. Evito Pinheiro,
aged about 50 years,
Indian National, resident of Flat No.8,
Tanwar House, Jaybharat Society,
3rd Road Khar (West),
Mumbai - 400052

... PETITIONERS

Versus

1. State of Goa,
through the Police Inspector,
Cuncolim Police Station,
Cuncolim, Salcete Goa and
2. Mrs. Mary Jayne Dias Pinheiro,
wife of Mr. Bevit Pinheiro,
aged about 44 years,
Portuguese National,
resident of Flat No.103, B-wing,
Agnelo colony,
Kerant, Caranzalem,
Tiswadi Goa 403 002

... RESPONDENTS

Mr. Anirudh Salkar, Advocate for the petitioners.
Mr. P. Faldessai, Additional Public Prosecutor for respondent No.1.
Ms. Gautami Kamat, Advocate for respondent No.2 under Legal
Aid Scheme.

**CORAM: M. S. SONAK &
R. N. LADDHA, JJ.**

DATED: 11th April 2022

ORAL JUDGMENT (Per M. S. Sonak, J)

1. Heard Ms. G. Kamat, who appears under Legal Aid Scheme on behalf of the petitioner in WPCR No.68 of 2020 and Mr. Salkar, learned counsel who appears on behalf of the petitioners in WPCR No.25 of 2022.
2. By instituting both these petitions, the petitioners seek quashing of FIR No.27/2018 dated 05.05.2018 lodged by the petitioner in WPCR No.68 of 2020 and FIR No.26/18 dated 05.05.2018 lodged by the petitioners in WPCR No.25 of 2022.
3. The matters had been referred to the mediation because the allegations in both the FIRs to a great extent were personal to the petitioners in both these petitions. Today, the learned counsel for the petitioners, based on instructions, report that they will have no objection if both the FIRs are quashed.
4. Rule. The rule is made returnable forthwith at the request and with the consent of the learned counsel for the parties.

5. Learned counsel for the respective respondents waive notice on rule.

6. Having regard to the observations in paragraph 61 of the *Gian Singh Vs State of Punjab and Another*¹, and after hearing the learned Additional Public Prosecutor, we think that the interests of justice will be met if both the FIRs are quashed by exercising our inherent powers under Section 482 of the Criminal Procedure Code.

7. Accordingly, with the consent of the learned counsel for the petitioners and the parties whom they represent and upon assessing the allegations in the FIRs and the law laid down in *Gian Singh* (supra), we allow both these petitions and quash the FIR No.27/2018 dated 05.05.2018 lodged by the petitioner in WPCR No.68 of 2020 and FIR No.26/18 dated 05.05.2018 lodged by the petitioners in WPCR No.25 of 2022.

8. The rule is made absolute in both these petitions in the aforesaid terms. There shall be no order for costs.

R. N. LADDHA, J.

M. S. SONAK, J.