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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1239 OF 2013**

Mr. Unmesh Ganesh Desai	]
Hindu, Aged 36 years,	]
Indian Inhabitant, Occ: Service	]
R/o B1, Ajit Park, Somwar Bazar	]
Malad (West), Mumbai 400 064	].. Applicant

Vs.

1. The State of Maharashtra	]
(FIR No. I-250/2009) registered with	]
Malad Police Station	]
2. Mrs. Shardul @ Shamika Unmesh	]
Desai, Hindu, Adult, aged 30 years,	]
Indian Inhabitant, Occ: Service,	]
R/o 5A/501, Rajlaxmi Park,	]
Near Vishal Mandir, Khorgaon,	]
Kalwa (West), Thane	].. Respondents

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Mr. Mandar Limaye Advocate for applicant
Mrs. M.M. Deshmukh A.P.P. for the State
Mrs. Trupti Chavan i/b Pradip Chavan and Associates for
Respondent No.2

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**CORAM : SMT.V.K.TAHILRAMANI AND
V.L. ACHLIYA, JJ.
DATED : DECEMBER 24, 2013**

P.C.:

1 Heard the learned advocate for the applicant-original
accused no.1, the learned A.P.P. for the State and the learned
counsel for the respondent no.2. The respondent no.2 i.e.

original complainant is present in person.

2 The applicant is seeking quashing of entire proceedings relating to F.I.R. No. I-250 of 2009 registered with Malad Police Station, Mumbai under Sections 498A and 406 read with Section 34 of IPC. The said case is now numbered as R.C.C. No. 448/PW/2010 and is pending before 24th Metropolitan Magistrate, Borivali, Mumbai. The said F.I.R. has been lodged by respondent no.2 against the applicant, his father, mother and his sister.

3 The complainant who is present in person, has stated that she was married to the applicant on 29.11.2008. Thereafter, marital disputes arose between the parties, hence, she lodged complaint in the present case against the applicant and his parents and sister. The applicant had also filed a petition for nullity of marriage before the Family Court. She has stated that the dispute has been amicably settled between the parties in the matrimonial proceedings and consent terms have been filed by the parties in this Court in F.C.A. No. 17 of 2013. She has further stated that in view of

the consent terms, she does not wish to prosecute her complaint and she has no objection to the entire case being quashed. Reliance is placed on various decisions wherein the disputes were settled and complainant did not wish to pursue his/her complaint and cases came to be quashed. The said decisions are:

1) B.S.Joshi Vs. State of Haryana A.I.R. 2003 S.C. 1386;

2) Fahimuddin Vs. State of U.P. A.I.R. 1981 S.C. 2008(3).

4 Looking to the fact that the respondent no.2 i.e. original complainant does not wish to pursue her complaint, we are of the opinion that this Court can consider the prayer of the applicant and quash the prosecution in the said case. Hence, R.C.C. No. 448/PW/2010 pending before 24th Metropolitan Magistrate, Borivali, Mumbai and the proceedings relating thereto, are quashed.

5 Application is disposed of.

[V.L. ACHLIYA, J.]

[SMT. V.K.TAHILRAMANI, J.]

Kandarkar