

IN THE HIGH COURT OF BOMBAY AT GOA**CRIMINAL WRIT PETITION NO. 124 OF 2014**

1. Mr. Amey Prabhudessai,
son of Madhav alias Madan
Prabhudessai, 35 years old,
married, Advocate,
Indian National and
resident of Priya Madhav,
239, Kamat Hill View Colony Tilamol,
Xeldem, Quepem Goa.
2. Mr. Madhav alias Madan Prabhudessai,
son of late Keshav Prabudessai,
71 years old, Married, Advocate,
Indian National, and resident of
Priya Madhav, 239, Kamat Hill View
Colony Tilamol, Xeldem,
Quepem Goa.
3. Mrs. Anasuya Prabhudessai,
wife of Madhav alias Madan
Prabhudessai, 65 years old,
Married, housewife, Indian
National, and resident of Priya
Madhav, 239, Kamat Hill View
Colony Tilamol, Xeldem,
Quepem Goa.
4. Mrs. Theresa Bindu Fernandes,
daughter of M.D. Joseph,
40 years of age,
r/o H.No.206, Patrong,
Near MPT Ground,
Baina, Vasco-da-Gama, Goa. ... Petitioners

V e r s u s

1. State of Goa,
Through the Secretary Home,
Government of Goa, Secretariat,
Porvorim Goa.

2. Shri Melson Colaco,
The Police Sub – Inspector,
Margao Town Police Station,
Margao Goa.
3. Mrs. Aarti Amey Prabhudessai,
wife of Amey Prabhudessai,
29 years old, Advocate,
Indian National and resident of
Flat No. F-1, Raj Vihar,
Opposite Power House,
Aquem, Margao, Salcete Goa. ... Respondents

Mr. S. G. Desai, Senior Advocate with Mr. Pavithran A. V.,
Advocate for the petitioners.

Mr. D. Lawande, Additional Public Prosecutor for the
respondent nos. 1 and 2.

Mr. V. R. Tamba, Advocate for the respondent no.3.

**Coram:- F. M. REIS &
K. L. WADANE, JJ**

Date :- 29th January, 2015

ORAL JUDGMENT (Per F. M. Reis, J)

Heard Mr. S. G. Desai, learned Senior Counsel
appearing for the petitioners, Mr. D. Lawande, learned
Additional Public Prosecutor appearing for the respondent
nos.1 and 2 and Mr. V. R. Tamba, learned counsel appearing
for the respondent no.3.

2. Rule. Heard forthwith with the consent of the learned counsel.

3. The learned counsel appearing for the respective respondents waive service.

4. The above petition filed under Section 482 of the Criminal Procedure Code inter-alia to quash and set aside an FIR No. 363/2013 dated 30.08.2013 under Sections 498-A, 506, 509, 116 read with 34 of the Indian Penal Code. It is pointed out by the learned Senior Counsel appearing for the petitioners that the said FIR was lodged by the respondent no.3 in connection with the matrimonial dispute between the petitioners and the respondent no.3. The learned Senior Counsel further submits that the matrimonial dispute has been finally settled by filing consent terms at Exhibit P-4.

5. On perusal of the consent terms, we find that there is a reference therein that the matrimonial dispute has been amicably settled, the above FIR would also be withdrawn by the respondent no.3. Considering that the matrimonial dispute has now been settled and in view of the judgment of the Apex Court reported in **(2012) 10 SCC 303**

in the case of ***Gian Singh V/s State of Punjab and Another*** and ***(2014) 9 SCC 653*** in the case of ***Yogendra Yadav and others V/s State of Jharkhand and another,*** we find it appropriate to quash and set aside the said FIR dated 30.08.2013.

6. In view of the above and for the reasons stated herein above, Rule is made absolute in terms of the prayer clause (a).

7. The petition stands disposed of accordingly.

K. L. WADANE, J

F. M. REIS, J

at*