

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.269 OF 2015**

1.Mr. Vikramjeet Singh Hundal; Applicants.
2.Mr. Aparsingh Gurbachansingh Hundal;
3.Smt.Gurdish Kaur Aparsingh Hundal;
4.Smt.Jasmeet Sachin Saini;

Vs

1.The State of Maharashtra, at the instance of Samta nagar Police Station; .. Respondents
2.Mrs Harmandeep Kaur V. Hundal;

Mr. A. P. Ghag, Advocate for Applicants.
Mrs. M.H.Mhatre, APP for Respondent no.1-State.
Mr R.B.Upadhay i/b I.B. Singh, Advocate for Respondent no.2.

**CORAM : RANJIT MORE & R.G.KETKAR,JJ.
DATE : 00nd SEPTEMBER, 2015.**

PC:

1. Heard learned counsel and learned APP appearing for the respective parties.
2. The Application is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside the FIR bearing C.R. No.456 of 2013 registered with Samata Nagar Police Station, at the instance of respondent No.2, for the offences punishable under Sections 498A, 406 read with 34 of the Indian Penal Code, 1860.
3. Marriage of Applicant No.1 and respondent no.2 was solemnized on 24.1.2013. Rest of the Applicants are the family

members of applicant no.1. Marital dispute between the parties gave rise to filing of several criminal as well as civil matters. The subject matter of the present application is one of them. Applicant no.1 filed Petition No.A-949 of 2014 against respondent no.2 for decree of divorce in Family Court at Bandra, Mumbai, Parties arrived at settlement and filed Consent Terms in this Petition. Copy of Consent Terms is annexed at Exhibit D to the petition. Under the Consent Terms, the said petition was converted into a petition for divorce by Mutual Consent under section 13-B of the Hindu Marriage Act, 1955. Applicant no.1 in terms of the Consent Terms deposited an amount of Rs. 19,82,000/- in Borivali M.M.Court in D.V. Case No.493/SS/2014 and paid Rs.2,00,000/- to respondent no.2 as permanent alimony. Under the Consent Terms, decree is passed by the learned Judge of the Family Court, Bandra on 31.1.2015.

4. In terms of the understanding arrived at between the parties as stated above, they have approached this Court for quashing and setting aside the subject FIR by consent. Respondent No.2 has filed an affidavit dated 18.4.2015. In paragraph 3, she has given no objection for quashing and setting aside the proceedings of subject FIR. Respondent no.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the affidavit. She confirms the contents of the affidavit. She states that she has no

objection if the subject FIR is quashed and set-aside.

5. Counsel appearing for the applicant having taken instructions from his client, makes a statement that he has no objection if respondent no.2 withdraws amount of Rs. 19,82,000/- deposited by applicant no.1 in Borivali M.M. Court in Case No.493/SS/2014 along with accrued interest thereon.

6. It can, thus, be seen that the matter has been amicably settled between the parties. Perusal of the complaint makes it clear that the allegations are totally personal in nature. In these circumstances and especially in view of the law laid down by the Apex Court in the case of **B.S.Joshi versus State of Haryana, AIR 2003 SC 1386,** we are of the view that quashing of the FIR would be in the interest of respondent No.2. Besides, no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened. In that view of the matter and in the interests of justice, the subject FIR is required to be quashed. The Application is, accordingly, made absolute in terms of prayer clause (a). Subject F.I.R, bearing C.R. No.456 of 2013, registered against the applicants with Samata Nagar Police Station for the offences punishable under sections 498A, 406 read with 34 of I.P.C. is quashed and set aside. Application is disposed of as such.

7. Respondent no.2 is at liberty to apply to learned

Metropolitan Magistrate, Borivali for withdrawal of the amount of Rs.19,82,000/- along with interest thereof. The learned Metropolitan Magistrate, 68th Court, Borivali, where D.V.Case No.493/SS/2014 is pending, shall return the amount of Rs. 19,82,000/- to respondent no.2 along with interest accrued thereon on making proper application. Learned Metropolitan Magistrate shall return the amount on her maiden name, i.e. Mrs. Harmandeep Kaur Randhawa.

8. Parties and all concerned to act on the authenticated copy of this order.

(R.G.KETKAR, J.)

(RANJIT MORE,J.)

CERTIFICATE

Certified to be true and correct copy of the original signed order.