

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION U/S. 482 NO. 2 OF 2016

Faruk Vali Mohamed Mansuri

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondents

...

Mr. Sajjad Husainali Patel for the Applicant.

Mr. K. V. Saste, APP for the State Mr. for the State.

Mrs. Hanifa Faruk Mansuri – Respondent No. 2, present in person.

CORAM : A. S. OKA & A. A. SAYED, JJ.

DATE : 30 AUGUST, 2016.

P.C. :

1. Rule

2. The learned APP waives service for the 1st Respondent.

2nd Respondent appearing in person, waives service. The learned counsel appearing for the Applicant personally identifies the 2nd Respondent. Forthwith taken up for final disposal.

3. The prayer in this application under Section 482 of Code of Criminal Procedure, 1973 (Cr.P.C) is for quashing the First Information Report registered at the instance of the 2nd Respondent alleging commission of an offence punishable under Section 498-A of the India Penal Code. Before the learned Magistrate, an application

was made on 2nd February 2015 by the applicant and the 2nd Respondent recording that they have resolved their matrimonial dispute and they are residing together. The said application was rejected on the ground that the offence was not compoundable.

4. The 2nd Respondent has tendered an affidavit affirmed today. The 2nd Respondent is identified by the Advocate for the Applicant. In the said affidavit, she has stated that the matrimonial dispute with the applicant has been resolved and both of them are staying together with their children. Therefore, she has recorded her no objection for quashing the proceedings.

5. In view of the settlement of the matrimonial dispute, now continuation of criminal proceeding will cause undue hardship to both the parties.

6. Hence we pass following order.

ORDER

Rule is made absolute in terms of prayer clause (a)

Which reads thus :

(a) That the Hon'ble Court be pleased to issue a Order under Section 482 Code of Criminal Procedure quashing /

setting aside the Criminal Case No. 121/PW/2004 pending before the Addl. Chief Metropolitan Magistrate's 2nd Mazgaon Court at Sewree, Mumbai against the Applicant.

7. All concerned to act on the basis of authenticated copy of this order.

(A. A. SAYED, J.)

(A. S. OKA, J.)