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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELATE JURISDICTION
CRIMINAL APPLICATION NO.24 OF 2016

Harit Shankarlal Mod & Ors. ...Applicants
vs.
The State of Maharashtra
(At the instance of Tardeo
Police Station, Mumbai) ...Respondent

Mr.Laxman R. Shahapur for the applicants
Dr.F.R.Shaikh, APP for the respondent No.1
Mr.Sohail Ahmed i/b O.A.Siddiqui for second
respondent

CORAM : A.S.OKA, &
P.D.NAIK, JJ.
DATE : MARCH 28, 2016

P.C.:

1 Heard the learned counsel for the applicants.
Rule. Learned APP waives service for the first
respondent. The learned counsel for the second
respondent waives service. Forthwith taken up for
final disposal.

2 The prayer in this application under section
482 of the Code of Criminal Procedure,1973 (for
short 'the said Code') is for quashing the FIR
registered at instance of the second respondent
alleging commission of offences punishable under
sections 498-A, 406, 500, 504, 506, 323 read with
section 34 of the Indian Penal Code. The first
applicant is the husband of the second respondent.
Other applicants are the members of the family of

the first applicant.

3 Our attention is invited to the consent terms filed by the first applicant and the second respondent before the Family Court at Mumbai. A Decree was passed in terms of the consent terms by the Family Court on 11th September 2015. The prayer for quashing under section 482 of the said Code is based on the consent decree passed by the Family Court.

4 We have perused the consent terms on the basis of which the consent Decree was passed by the Family Court. We have perused the consent terms and the Decree. The marriage solemnised between the first applicant and the second respondent has been dissolved by the decree of divorce under section 13-B of the Hindu Marriage Act, 1955. The issue of custody of the minor child, the issue of maintenance of the minor child and all other disputes between the first applicant and the second respondent have been settled by the consent terms on the basis of which the Decree has been passed by the Family Court. In the consent terms, the second respondent has agreed to co-operate with the first applicant for quashing the FIR.

5 The second respondent has tendered an affidavit accepting the settlement and has stated that she has no objection for granting relief claimed in this application. We have perused the FIR. We find that the matrimonial dispute led to the registration of

FIR.

6 In the light of law laid down by the Apex Court in the case of Gian Singh versus State of Punjab and another¹, this is a fit case to exercise power under the said Code. Continuation of criminal proceedings will cause undue harassment to the first applicant and the second respondent. Now there is no subsisting dispute between them. Accordingly, the application must succeed. Rule is made absolute in terms of prayer clause (a).

7 All concerned to act upon an authenticated copy of this order.

(P.D.NAIK,J.)

(A.S.OKA,J.)