

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 105 OF 2016**

Ramanjeet Singh Raghbirsingh
Sachdev & Ors.

....Applicants

versus

The State of Maharashtra and Anr.

....Respondents

.....
Mr.R.A.Shaikh i/b. Mr.Mohammed M. Khan for the Applicant.
Mrs.M.H.Mhatre, A.P.P. for Respondent no.1.
Mr. S.K.Keswani for Respondent no.2.
.....

CORAM : A.S.OKA AND P.D.NAIK, JJ.

DATE : 3rd May, 2016.

P.C.:

. Not on board. Taken on board.

2. Heard the learned Counsel appearing for the applicants, the learned Counsel appearing for the second respondent and the learned APP for the first respondent. Rule. Respondents waives service. Forthwith taken up for final disposal.

3. The prayer in this application under section 482 of the Code of Criminal Procedure, 1973 (for short CrPC.) is for quashing criminal prosecution of the applicants for offences punishable under section 498-A, 406 read with 34 of the Indian Penal Code. The second respondent is the wife of the first applicant. The other applicants are members of the family of the first applicant.

3. Our attention is invited to the consent terms filed in petition no. A-2452 of 2014 before the Family Court, Bandra in a petition for divorce filed by the second respondent. The consent terms record that the parties have settled all disputes and that the second respondent has agreed to give consent for quashing the criminal proceedings. The learned Counsel appearing for the parties state that a decree of divorce by mutual consent under section 13-B of the Hindu Marriage Act, 1955 has been passed by the Family Court. The learned Counsel appearing for the second respondent has no objection for quashing the proceedings.

4. In view of the aforesaid facts, in the light of the decision of the Apex Court in the case of ***Gian Singh versus State of Punjab and another***¹ a case is made out for exercise of power under section 482 of the CrPC. Accordingly, we pass the following order:

- (a) Rule is made absolute in terms of prayer clause (a) which reads thus:

(a) *That this Hon'ble Court may be pleased to issue an appropriate order and direction to call the record and proceeding pertaining to Antop Hill Police Station in M.C.R no.103/2013, bearing CC no.1586/PW/2014 pending before Learned Metropolitan Magistrate's 61st Court, Kurla, Mumbai filed on the complaint of Mrs.Supreetkaur Ramanjeetsingh Sachdev i.e. the*

1 (2012)10 SCC 303

respondent no.2 above named for the offences u/s. 498, 406 r/w 34 and after examination the legality and proprietary thereof be pleased to quash the same as being illegal and bad in law and particularly in view of the settlement made between the petitioners and the respondents.

- (b) All concerned including the Family Court to act on an authenticated copy of the judgment and order.

(P.D.NAIK, J.)

(A. S. OKA, J.)