IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 651 OF 2016

Karan Chandrakant Deokar & Ors … Petitioners
V/s.
State of Maharashtra & Anr. … Respondents

…

Ms. Shabana Sothe i/b. S. P. Associates for the Petitioner.
Mr. K. V. Saste, APP for the Respondent No.1.
Ms. Devika Deshmukh for Respondent No.2.

…

CORAM : A. S. OKA & A. A. SAYED, JJ.
DATE : 30 AUGUST, 2016.

P.C. :

1. Not on board. Taken on board.

2. Rule

3. The learned APP waive service for the State of Maharashtra. The learned counsel appearing for the 1st Informant-2nd Respondent waives service. Forthwith taken up for final disposal. The prayer in this petition is under Article 226 of the Constitution of India is for quashing the first information report, registered at the instance of the 2nd Respondent alleging commission of offences under Section 498 – A, 406 read with Section 34 of the Indian Penal

Code.

4. The learned counsel appearing for the applicants and the learned counsel appearing for the 2nd Respondent have tendered across the Bar a copy of consent terms dated 28th July 2016 filed in petition No. F-1748 of 2016 in the Family Court at Bandra.

5. The 1st Petitioner and the 1st Informant- 2nd Respondent are husband and wife. The said copy of the consent terms is taken on record and marked '**X**' for identification. The 2nd Respondent is personally present in the Court who has filed an affidavit. Through her counsel she has reiterated that there is a settlement between the parties in the form of consent terms dated 28th July 2016 and that in view of the settlement, she has given consent for quashing the First Information Report.

6. Perusal of the First Information Report shows that the matrimonial dispute between the 1st Petitioner and the 2nd Respondent led to the registration of the same. Now there is a complete settlement in the matrimonial dispute. Therefore, the continuation of the criminal proceeding will cause undue hardship to

the 1st Petitioner and the 2nd Respondent. Hence, this is a fit case to exercise power of this Court under Article 226 of the Constitution of India for quashing the First Information Report. Accordingly we pass following order:-

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

a) This Hon'ble Court be pleased to quash and set aside FIR bearing C. R. No. 304/2014 registered with Kalachowki Police Station under Section 498A, 406 r/w 34 of IPC.

(A. A. SAYED, J.) **(A. S. OKA, J.)**