

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.752 OF 2016

Roshan Sunil Kanal	... Petitioner
v/s	
The State of Maharashtra and another	... Respondents

Mr Dipak Churi for Petitioner.
Mrs P.P. Shinde, APP for State.
Mrs Ankita Kanal, Respondent No.2 - wife present in person.

**CORAM : B.R. GAVAI AND
B.P. COLABAWALLA JJ.
(VACATION COURT)**

DATE : 1ST JUNE, 2016.

P.C. :-

1. Rule, returnable forthwith. By consent, heard finally.
2. The Petitioner has approached this Court for quashing and setting aside the FIR bearing C.R. No.9 of 2015 registered by Govandi Police Station, Mumbai.
3. The Petitioner was married with the Respondent No.2 on 7th November 2013. However, it appears that soon after the marriage, there arose differences between the Petitioner and the

Respondent No.2 which gave rise to filing of Petition before the Matrimonial Court. As a result of the said disputes, a complaint to be lodged by the Respondent No.2 with Govandi Police Station for the offence punishable under sections 498-A, 323, 406, 504 and 506 of I.P.C.

4. However, it appears that during the pendency of the criminal proceedings, the Petitioner and the Respondent No.2 have decided to give an end to their disputes. It appears that the relationship between them is irretrievably broken and they have decided to get separated and lead their lives independently. A Petition for divorce is also filed in the Family Court, Bandra, Mumbai.

5. The Respondent No.2 - wife is present in Court. She has tendered an affidavit stating therein that it has been decided by her and the Petitioner to withdraw all allegations made against each other and to give an end to their relationship.

6. The Apex Court has in the case of B.S. Joshi and others v/s State of Haryana, reported in 2003 Cri.L.J. 2028 held that wherever the parties have decided to settle their matrimonial dispute, this Court should exercise its inherent powers under section

482 of Cr.P.C. to give an end to the said dispute.

7. We find that the parties have agreed to give an end to the matrimonial disputes.

8. Rule is therefore made absolute in terms of prayer clause (d). No order as to costs.

(B.P. COLABAWALLA J.)

(B.R. GAVAI J.)