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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.775 Of 2016

Bharat N. Thakkar & Ors.	...Petitioners
V/s.	
The State of Maharashtra & Ors.	...Respondents

Ms.Seema K. Chopda for the Petitioners.

Mrs.S.V. Sonawane, A.P.P. for Respondent Nos.1 and 2.

Mr.H.H. Nagi with Ms.Chaula Solanki i/b H.H. Nagi & Associates for the Respondent No.3.

CORAM : A.S. OKA &
R.D. DHANUKA, JJ.
DATE : 7TH SEPTEMBER, 2016.

P.C. :-

1. Heard learned counsel appearing for the petitioners, learned A.P.P. for the respondent nos.1 and 2 and the learned counsel appearing for the respondent no.3. Forthwith taken up for hearing and final disposal.

2. The prayer in this petition under Article 226 of the Constitution of India read with section 482 of the Code of Criminal Procedure, 1973 is for quashing the first information report registered at the instance of the third respondent for the offences punishable under sections 498-A, 406 read with section 34 of the Indian Penal

Code.

3. The third petitioner and the third respondent were husband and wife. The first and second petitioners are the parents of the third petitioner. By an order date 24th July, 2015 passed by the Apex Court in petition for Special Leave to Appeal (Criminal) No.277 of 2015, compromise was arrived at between the parties and the consent terms were taken on record. It appears that in terms of the compromise, a decree of divorce has been passed on the joint petition filed by the third petitioner and the third respondent on 16th June, 2016 under section 13-B of the Hindu Marriage Act, 1955. Even in the said judgment, the Family Court has recorded the settlement between the parties. The third respondent has filed an affidavit in this petition. In the said affidavit, she has accepted the settlement and she has consented for quashing the first information report. The third respondent, who is personally present, though her advocate states that there is a complete settlement of the matrimonial dispute.

4. In view of the complete settlement of matrimonial dispute, the continuation of the criminal proceedings will cause undue hardship to the parties. Hence, a case is made out for exercising power of this Court of quashing the first information report. Accordingly we pass the following order :-

a). Rule is made absolute in terms of prayer clause (b), which

reads as under :-

“(b). By issuing appropriate writ, order and direction under Article 226 and 227 of the Constitution of India and section 482 of the Cr.P.C., the FIR being C.R. No.337 of 2014, Kandivali Police Station, Kandivali may kindly be quashed.”

All parties to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)

(A.S. OKA, J.)