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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.238 OF 2016

Kailash Rameshlal Malani & Ors. ...Applicants
vs.
State of Maharashtra & Anr. ...Respondents

Mr.Ganesh Gole a/w Ms Meghna Gawalani for the
Applicant
Dr.F.R.Shaikh, APP for the Respondent No.1

CORAM :A.S.OKA AND
 A.A.SAYED,JJ.
DATE : JUNE 8, 2016

P.C.

1 Notice was issued to the second respondent by order dated 2nd March 2016. The second respondent appears in person. The second respondent is the first informant at whose instance the impugned FIR alleging commission of offence under sections 498-A, 406, 323 and 504 of the Indian Penal Code was registered. The learned APP on instructions of Ms Vandana Vilas Lende, Woman Head Constable who is personally present in the Court states that the person appearing before this Court is the second respondent viz. Mrs.Gauri Kailash Malani. The Officer who instructs the learned APP is a Woman Head Constable attached to Central Police Station, Ulhasnagar. The offence was registered with the said police station.

2 The second respondent tenders an affidavit today. In fact, Investigating Officer has identified the second respondent on the said affidavit. The concerned Officer of the Court who affirmed the affidavit has also seen the identification documents of the second respondent. In the said affidavit, the second respondent has stated that subsequently, there has been a settlement between her and the first applicant who is her husband. Other applicants are the members of the family of the first applicant. In fact, in the affidavit, the second respondent has stated that on 11th April 2016 she along with the first applicant has filed a joint petition under section 13 (B) of the Hindu Marriage Act, 1955 for dissolution of the marriage. In paragraph 4 of the affidavit she has stated that the disputes have been amicably sorted out and settled. Therefore, in paragraph 6, she has recorded no objection to quash the FIR.

3 On plain reading of the FIR it is apparent that the matrimonial dispute between the parties led to the registration of the offence. Now the matrimonial dispute is settled. In the light of the decision of the Apex Court in the case of *Gian Singh versus State of Punjab and another*¹, this is a fit case to quash the FIR. After settlement of the matrimonial dispute, continuation of the criminal proceedings will cause prejudice to both the parties.

¹(2012) 10 SCC page 303

4 Accordingly, we pass the following order:

(I) Rule is made absolute in terms of prayer clause
(b) which reads thus:

"(b) That this Hon'ble Court may kindly quash
the FIR bearing C.R.No.I-572 of 2015 dated
7.11.2015 registered with Central Police
Station, Ulhasnagar, Thane so far as the
Applicants are concerned, "

(II) All concerned to act upon an authenticated copy
of this order.

(A.A.SAYED,J)

(A.S.OKA,J.)