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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.1117 OF 2016

Abhishek Kaushik @ Abhishek Ashok Sharma ..Petitioner.

V/s.

The State of Maharashtra and Anr. ..Respondents.

Ms.Poonam O. Upadhyay for the petitioner.

Mrs.M.M. Deshmukh, APP for the respondent-State.

Ms.Sheetal Jaykar for respondent No.2.

**CORAM : NARESH H.PATIL AND
A.M.BADAR, JJ.**

DATED : 1ST APRIL, 2016

P.C. :-

1. By this petition under Article 227 of the Constitution of India read with section 482 of the Code of Criminal Procedure, 1973, the petitioner / accused is praying for quashing the F.I.R. bearing No.I-102/2012 for the offence punishable under sections 498(A), 323, 504 and 506 of the Indian Penal Code, 1860 registered with Kharghar police

station, Navi Mumbai at the instance of respondent No.2 / informant Meenakshi Kaushik Sharma and resultant R. Criminal Case No.500510/12 pending in the Court of learned Joint Civil Judge, J.D. and J.M.F.C., Panvel.

2. Heard learned counsel appearing for the petitioner / accused as well as learned counsel appearing for respondent No.2 / informant Meenakshi Kaushik Sharma. Both of them have unanimously submitted that the parties being husband and wife have settled their matrimonial dispute amicably outside the Court and accept that respondent No.2 / informant is not interested in continuing the prosecution against the petitioner.

3. We have heard learned APP for the State.

4. Respondent No.2 / informant Meenakshi Kaushik Sharma is personally present before the Court. She is identified by her counsel. She has filed an affidavit dated 18th March, 2016. Upon being asked, she submitted that she has settled her matrimonial dispute with the petitioner and she does not want to prosecute the criminal proceedings.

5. Briefly stated, it is the prosecution case that the petitioner married respondent No.2 Meenakshi on 31st May, 2010 but with the passage of time, their matrimonial life faced rough weather. On 6th May, 2011 and 24th April, 2012, the petitioner slapped respondent No.2-wife and attempted to press her throat. According to the prosecution case, the petitioner had subjected respondent No.2 to cruelty.

6. We have carefully considered the submissions and perused the charge-sheet. The parties have settled the matrimonial dispute amicably outside the Court and as such continuation of criminal case for matrimonial offence would certainly result in abuse of process of the Court. Chances of conviction in such a situation are too remote and continuation of prosecution would result in wastage of public time and money. The petition, therefore, deserves to be allowed.

- (i) The petition is allowed;
- (i) The F.I.R. bearing F.I.R. bearing No.I-102/2012 for the offence punishable under sections 498(A), 323, 504 and

506 of the Indian Penal Code, 1860 registered against the petitioner / accused with Kharghar police station, Navi Mumbai at the instance of respondent No.2 / informant Meenakshi Kaushik Sharma and resultant R. Criminal Case No.500510/12 pending in the Court of learned Joint Civil Judge, J.D. and J.M.F.C., Panvel is hereby quashed and set aside.

(A.M. BADAR, J.)

(NARESH H.PATIL, J.)