

CRIMINAL APPLICATION NO.303 OF 2016

Mr.Santosh S. Musale i/by Mr.Shashi D. Pandey for Applicants.
Mr.Balwant Vitthal Salunkhe for Respondent no.2.
Dr.F.R.Shaikh, APP for Respondent no.1.

CORAM : A.S.OKA AND P.D.NAIK, JJ.

DATE : 30th March 2016

PC :

1. Rule. Learned APP waives service for the First Respondent. Learned counsel for the Second Respondent waives service. Forthwith taken up for final disposal.
2. Prayer in this application under Section 482 of the Code of Criminal Procedure, 1973 ('Code') is for quashing the first information report ('FIR') alleging commission of offences punishable under sections 498-A, 406, 323, 504, 506(2) r/w section 34 of Indian Penal Code ('IPC'). The first informant is the Second Respondent who is the wife of the first Applicant. The second and third Applicants are the parents of the first Applicant. The second Respondent has filed an affidavit-in-reply in which she has stated that the matrimonial dispute

between herself and the first Applicant has been settled out of Court and, therefore, she has no objection for granting the prayer in present application. Learned counsel for the Applicant and second Respondent state that both parties are present in the Court and they state that in fact, there is a reconciliation and they are residing together. The Applicants through their learned counsel give undertaking as stated in paragraph no.5 of the affidavit of the second Respondent. We accept the said undertaking.

3. We have perused the FIR. We find that the matrimonial dispute between the First Applicant and the second Respondent has been settled out of Court. The second Respondent has set in motion the criminal law due to the matrimonial dispute. Now, there appears to be a complete settlement of the matrimonial dispute. The chances of conviction are very remote. Further continuation of the criminal proceedings would cause undue harassment to the parties. Therefore, in view of the law laid down by the Apex Court in **Gian Singh Vs. State of Punjab and another**¹, this is a fit case to exercise power under Section 482 of the Code for quashing the criminal proceedings. Hence, we pass following order :

(a) Rule is made absolute in terms of prayer clause (a). Since prayer clause (a) stands amended, what is set aside by this

¹ (2012)10-SCC-303

order is CR No.315 of 2015 registered with Hinjewadi Police Station, Pune under Sections 498-A, 406, 323, 504, 506(2) r/w Section 34 of IPC;

(b) All concerned to act on an ordinary copy of this order duly authenticated by registry of this Court.

4. Formal amendment to the prayer clause (a) shall be made by the applicant within one week from today.

(PD.NAIK, J.)

(A.S.OKA, J.)

MST