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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.319 OF 2016**

Mr. Bharat Prabhakar Jadhav and Ors.	... Applicants
Vs.	
Mrs. Rutu Bharat Jadhav and Anr.	... Respondents

Mr. Dashrath Govind Parab for the Applicants.
Ms. Ritu Bharat Jadhav Respondent No.1 present in person.
Mrs. M.H. Mhatre, APP for the Respondent No.2.
Mr. R.V. Gaikwad, Senior Police Inspector, presently attached to SBI CID.

**CORAM : A.S. OKA &
P. D. NAIK, JJ.**

DATE : 18th APRIL, 2016

PC.

1 Rule. Rule made returnable forthwith. The learned Prosecutor waives service for the Respondent No.2. The Respondent No.1 who is appearing in person also waives service. This is an application filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing the FIR registered with Samata Nagar Police Station vide C.R.No.282 of 2012. The FIR is lodged at the instance of the first Respondent for the offences punishable under Section 498(A), 406, 377 read with Section 34 of the Indian Penal Code, 1860. After filing of the FIR, the investigation was completed and charge sheet has been filed in the Court of the learned Metropolitan Magistrate, 17th Court, Borivli. Presently the case is registered as C.C. No.2955/PW/2012.

2 The FIR was registered on 6th August, 2012 at the instance of the first Respondent alleging that she was being harassed at the instance of the accused after solemnisation of marriage with applicant No.1. It is further alleged that the applicant Nos.2 to 5 being the co-accused had acted in furtherance of common intention to cause harassment to her. The applicant Nos.2 and 3 are father-in-law and mother-in-law of the complainant. The applicant No.4 is the married sister in law of 1st respondent and applicant No.5 is the husband of applicant No.4.

3 The applicant No.1 filed a Petition for Divorce u/s 13(1) (i-a) and (i-b) of Hindu Marriage Act, 1955 bearing Petition No.A-2952 of 2014 before the Family Court at Bandra. The parties have relied upon the consent terms filed before the Family Court at Bandra in the said Petition. It has been agreed between both the parties in clause 8 of the said consent terms that they shall not interfere in each others' life and shall not file any civil or criminal proceedings against each for the events which have happened in the past. It is also mentioned in clause 6(a) that the Respondent shall co-operate and lead the evidence to dispose of the proceeding in Borivali Court and both the parties shall co-operate to quash the proceedings in this High Court.

4 In view of the settlement, the first Respondent has filed an affidavit before this Court. In the said affidavit, it has been mentioned that there were disputes and differences between the first Respondent and the first Applicant on account of the difference of opinion. It is further stated that it is not possible for them to pull on together as husband and wife. It is however mentioned that on account of strained relationship, the impugned FIR was registered with the said police station. It is also mentioned that subsequent to filing of the FIR, the proceedings were initiated before the Family Court at Bandra, Mumbai. It is further stated that the first Applicant filed a Petition for decree of divorce before the said Court, and that during the pendency of the said proceedings, both the parties have amicably settled the disputes and consent terms were filed before the said Court on 20th August, 2015. It is also mentioned that in accordance with the said consent terms, the first Applicant has deposited the requisite amount as agreed between both the parties on account of the said settlement. The first Respondent has also mentioned that she has no objection for granting the prayer of the Applicant for quashing the FIR.

5 We have gone through the FIR and the other material placed on record in this proceeding. We are satisfied that the powers under Section 482 of the Code of Criminal Procedure, 1973 can be

exercised in this proceeding as the dispute is purely of matrimonial nature. It can be also inferred that there are no chances of any conviction in such proceedings. Considering the fact that the parties have amicably settled the disputes in terms of the consent terms filed before the Family Court and in terms of the affidavit filed by the first Respondent before this Court, we are inclined to exercise powers under Section 482 of the Code of Criminal Procedure, 1973. In the latest decision of the Apex Court in the case of Gian Singh Vs. State Bank of Punjab¹, it has been observed that in case of the disputes which are purely of private nature, the Court can exercise the power under Section 482 of Cr.PC and quash such proceedings if there is an amicable settlement between the parties. The first Respondent had appeared in person before this Hon'ble Court. She has been identified by the Investigating Officer before this Court. Considering the totality of the facts and on perusal of the FIR as well as the affidavit filed by the first Respondent, we are inclined to allow this application and quash the impugned FIR and the criminal proceedings.

6. In view of this, Rule is made absolute in terms of prayer clause (a) which reads as follows :-

“(a) This Hon'ble Court may be pleased to quash the F.I.R. dated 06/08/2012, registered with Samata Nagar

1 (2012) 10 SCC 303

Police Station bearing C.R.No.282/2012, U/s.498(A), 406, 377, 34 I.P.C. by the Respondent No.1 Mrs. Rutu Bharat Jadhav thereby quashing C.C. No.2955/PW/2012 pending before the Ld. Metropolitan Magistrate 17th Court at Borivli, Mumbai.”

(P. D. NAIK, J)

(A.S. OKA, J)