

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.341 OF 2014

Mrs. Smita Anil Mankame & Anr.

..... Applicants

V/s

The State of Maharashtra

..... Respondent

Mr. Sanjay Kulkarni for the Applicant.

Mrs. M.H. Mhatre, APP for Respondent/State.

CORAM : A.S. OKA &

A.A. SAYED, JJ.

DATED : 14 JUNE 2016

ORDER:

1 Rule. Learned APP waives service for the Respondent. Forthwith taken up for final hearing.

2 In this Application under section 482 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") the prayer is for quashing a criminal case on the basis of an offence registered under sections 498A, 323, 504 read with section 34 of the Indian Penal Code being C.R. No.I-284 of 1995 with Ramnagar Police Station, Dombivali (East), taluka Kalyan. The first Applicant is the first informant and the second Applicant is her husband who is shown as accused. The learned Counsel appearing for the Applicants states that the criminal case is still pending.

3 We have perused averments made in the Application and in particular clause (J) of paragraph 2 and the ground in paragraph (E), in paragraph 3. There is a statement on oath that in the joint Application made by the wife and the husband that from the year 2009, they are peacefully living together with their son. Learned Counsel appearing for the Applicants states that both the Applicants are personally present in the Court and they state that even till today, they are happily living together as wife and husband. Therefore, Applicants prayed for quashing criminal proceedings.

4 The present Application is affirmed by both the Applicants. Moreover, even today, there is a statement made by both the Applicants that they have been happily residing together from the year 2009.

5 We have perused the Statement on the basis of which the First Information Report was registered. It is obvious that in the matrimonial dispute between the parties which led to registration of FIR. Now there appears to be a complete settlement in the dispute. In the Application, there is an assurance that neither the first Applicant nor any accused would harass the first Applicant. As there appears to be a complete settlement of the matrimonial dispute between the Applicants, in view of the law laid down by the Apex Court **Gian Singh vs. State of Punjab**,¹ a

¹ (2012) 10 SCC 303

case is made out to exercise the powers under section 482 of Cr.P.C. Accordingly, the Application must succeed and we pass the following order:

i) Rule made absolute in terms of prayer clause (a) which reads thus:

“(a) This Hon'ble Court be pleased to quash and set aside criminal proceedings being Regular Criminal Case No.9 of 1996 pending in the Court of learned JMFC, 3rd Court, Kalyan, Charge-sheet No.1/96 and C.R. No.I-284/1995 for offences under Sections 498A, 323, 504 read with Section 34 of IPC, registered with Ramnagar Police Station, Dombivali (East), Tal. Kalyan, Dist. Thane.”

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

(A.A. SAYED, J.)

(A.S. OKA, J.)

katkam