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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.338 OF 2016

Vijay Janu Humbre and Ors.	... Applicants
Vs.	
State of Maharashtra and Ors.	... Respondents

Mr. Ranjeet Patil i/by Mr. Kuldeep S. Patil for the Applicants.
Mrs. M.H. Mhatre, APP for the Respondent No.1.
Mr. Rupesh Ramchandra Lanjekar for the Respondent No.2.

**CORAM : A.S. OKA &
A.A. SAYED, JJ.**

DATE : 22nd AUGUST, 2016

PC.

1. Rule. The learned APP waives service for the first Respondent. The learned counsel appearing for the second Respondent waives service. The second Respondent is personally present in the Court. Forthwith taken up for final disposal.

2. The first Applicant and the second Respondent were husband and wife. Prayer in this application under Section 482 of the Code of Criminal Procedure, 1973 (for short "Cr.PC.") is for quashing the FIR alleging the offences punishable under Sections 498A, 406, 323, 504, 506 r/w 34 of the Indian Penal Code. The second Respondent is the first informant.

3 In a Petition for divorce being Petition No. A-2175 of 2010 filed by the first Applicant against the second Respondent in the Family Court at Mumbai, the parties arrived at settlement dated 18th July, 2014 a copy of which is annexed as Exhibit - "A" to the Petition. Today, a copy of decree passed in the said Petition on 7th February, 2015 is placed on record. By the said decree, the marriage solemnized between the first Applicant and the second Respondent has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955. In fact the consent terms have been directed to become a part of the decree. There is an affidavit-in-reply filed by the second Respondent. There is no dispute that the entire amount of Rs.18,50,000/- has been deposited by the first Applicant.

4 Perusal of the FIR shows that the matrimonial dispute between the first Applicant and the second Respondent led to the registration of FIR. Now, there is a complete settlement of matrimonial dispute. Hence, continuation of criminal proceedings will cause undue hardship to both the first Applicant and the second Respondent and therefore, as held by the Apex Court in the case of Gian Singh Vs. State of Punjab¹, this is a fit case to exercise powers under Section 482 of the Criminal Procedure Code, 1973. Accordingly, we pass the following order :-

1 (2012) 10 SCC 303

ORDER

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

“(a) That this Hon'ble Court may pass appropriate orders/writ/directions and quash and set aside all the proceedings arising out of and the FIR bearing C.R. No.288 of 2008 registered with N.M. Joshi Marg Police Station, Mumbai.”

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

(A.A. SAYED, J)

(A.S. OKA, J)