

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.345 OF 2016

Samir Prakash Rane and Others. .. Applicants.
Vs
Trupti Samir Rane & Anr. .. Respondents
—
Smt. Mansi S. Bane for the Applicants.
Ms. Vaishali Nimbalkar for the Respondent No.1.
Dr.F.R.Shaikh, APP for the Respondent No.2.
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CORAM : A.S. OKA & A.A.SAYED, JJ
DATED : 10TH JUNE 2016

PC.

1. Not on board. Taken on board.
2. Heard learned counsel appearing for the Applicants. Rule.
The Advocate for the first Respondent waives service. The learned APP
waives service for the second Respondent. Forthwith taken up for final
disposal.
3. The prayer in this Application under Section 482 of the
Code of Criminal Procedure, 1973 (for short “CrPC”) is for quashing the
chargesheet which alleges the commission of offences punishable under
Section 498(A), 406, 323, 504, 506 read with Section 34 of the Indian

Penal Code. There is a prayer also for quashing the consequential proceedings.

4. It is pointed out that after registration of the offences, there was a settlement between the first Appellant husband and the first Respondent wife. In a pending Petition in the Family Court at Bandra, the consent terms were filed by the first Applicant and the first Respondent. A copy of the consent terms is annexed at Exhibit-D to the Application. It is an admitted position between the first Applicant and the first Respondent that in terms of the consent terms, an amount of Rs.1,10,000/-`has been deposited by the first Applicant before the Family Court. In Clause 5 of the consent terms, it is provided that the first Respondent will co-operate for quashing the criminal proceedings.

5. We have perused the material brought on record in the form of chargesheet. We find that the matrimonial dispute between the first Applicant and the first Respondent led to the registration of the First Information Report (FIR). Now the matrimonial dispute is settled. The learned counsel appearing for the first Applicant and the first Respondent state that after the criminal proceedings are quashed, the case will be placed before the Family Court for passing a decree of divorce under Section 13(B) of the Hindu Marriage Act, 1955. Both the parties who are present in the Court agree that they will not back out

and co-operate with the Family Court for passing a decree of divorce under Section 13(B) of the Hindu Marriage Act, 1955.

6. Therefore, in view of the law laid down by the Apex Court in the decision in the case of *Gian Singh v. State Bank of Punjab*¹, a case is made out for quashing the criminal proceedings. After the settlement, continuation of the criminal proceedings will cause undue hardship to both the parties.

7. Accordingly, we dispose of the Application by passing the following order.

ORDER :

(a) The Rule is made absolute in terms of prayer clause

(a) which reads thus:

“(a) This Hon'ble Court after perusing the legality and propriety be pleased to quash and set aside FIR bearing No.213 of 2015 and Chargesheet filed by the Kandivali Police Station on 17.11.2015 before Metropolitan Magistrate Court at Borivali, Mumbai.”

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

(A.A. SAYED, J)

(A.S. OKA, J)

1 (2012) 10 SCC 303