

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 1412 OF 2016

Ms. Rinkukaur Sukhvindar Viridi Aka & Anr. ... Petitioners.
(Org. Complainant)

V/s.

The State of Maharashtra & Anr. ... Respondents.
(R-2-Org. Accused)

Mr. Deval K. Anja, Advocate for the Petitioners.

Mr. K. V. Saste, APP for the State.

Ms. Seema S. Pandey, Advocate for Respondent No.2.

**CORAM : NARESH H. PATIL AND
A. M. BADAR, JJ.**

DATE : 12th APRIL, 2016.

P.C. :

1 By this petition under Article 226 of the Constitution of India, read with Section 482 of the Criminal Procedure Code, 1973, Petitioner no.1/informant/wife is praying for quashing and setting aside the FIR bearing Crime No. 105 of 2015 for the offences punishable under sections 498-A, 406, r/w. 34 of the Indian Penal Code, registered at her instance with the Vile Parle Police Station, Mumbai against Respondent No.2/husband.

2 We have heard learned counsel appearing for Petitioners as well as Respondent No.2. They both unanimously submitted that the parties have decided to part their ways and have obtained divorce by mutual consent. They have drawn our attention to the Judgment and Order passed by the learned Family Court, Mumbai in Petition No. F-1480 of 2015, wherein the learned Family Court has been pleased to dissolve the marriage between the Petitioner and Respondent No.2 by mutual consent.

3 Petitioner No.1 - Rinkukaur Sukhvinder Viridi is present in-person. She is duly identified by her learned counsel. Upon being asked, she has stated that she does not want to prosecute the FIR lodged by her and she desires that the criminal proceedings against her ex-husband needs to be quashed.

4 We have also heard the learned APP appearing for the State.

5 It is seen from the FIR that the dispute between Petitioner No.1 and Respondent No.2 is a matrimonial dispute. She has alleged cruelty against Respondent No. 2. Subsequently, the marriage between Petitioner No.1 and Respondent No.2 is dissolved by decree of mutual consent. As such there is no hurdle in accepting the request of Petitioner

No.1 to quash the proceedings initiated by her against Respondent No.2/ husband for the offence punishable under sections 498A, 406 read with 34 of the Indian Penal Code. The offence alleged is of personal nature. Hence, the order :

i) Writ Petition is allowed.

ii) The FIR being Crime No.105 of 2015 for the offence punishable under sections 498A, 406 r/w. 34 of the Indian Penal Code registered against Respondent No.2 at Vile Parle Police Station, Mumbai is hereby quashed and set aside.

(A. M. BADAR, J.)

(NARESH H.PATIL,J.)

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