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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.440 OF 2016**

Mrs. Nilofer Aijaz Qureshi and Ors.	... Applicants
Vs.	
The State of Maharashtra and Anr.	... Respondents

Mr. Husen Shaikh for the Applicants.
Ms. M.H. Mhatre, APP for the Respondent No.1.
Ms. Sukhada Vijay Dalvi for the Respondent No.2.

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

DATE : 20th SEPTEMBER, 2016

PC.

1. Rule. The learned counsel appearing for the second Respondent waives service. The learned APP waives service for the first Respondent. Forthwith taken up for final disposal. The prayer in this application under Section 482 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") is for quashing the offences punishable under Sections 498A, 406, 354 and 377 read with Section 34 of the Indian Penal Code. The second Respondent and the second Applicant were the husband and wife. The prayer for quashing is sought on the ground of settlement. Today additional affidavit-in-reply dated 6th September, 2016 is tendered by the learned counsel appearing for the second

Respondent. A copy of Deed of Divorce signed by the second Applicant and the second Respondent is annexed to the said affidavit.

2 The Deed of Divorce records that the marriage solemnized between the second Applicant and the second Respondent on 12th January, 2015 has been dissolved by mutual consent with immediate effect. The other issues such as maintenance have been settled as indicated by the said Deed of Divorce.

3 The matrimonial dispute between the second Applicant and the second Respondent was the main reason for registration of the impugned FIR. Now the matrimonial dispute has come to an end as indicated by the affidavit of the second Respondent. The first Applicant and the third to seventh Applicants are other members of the family of the second Respondent. In view of settlement of matrimonial dispute, continuation of criminal proceedings will cause prejudice to all the parties. Hence, this is a fit case to exercise powers under Section 482 of the Code of Criminal Procedure, 1973 to quash the proceedings.

4 Accordingly, we pass the following order :-

ORDER

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

- (a) To quash FIR registered on complaint of Respondent No.2 at C.R. No.432 of 2015, registered with Sir J.J. Marg Police Station for offences under Section 498(A), 406, 354, 377 and 34 of I.P.C. against the Applicants;”
- (ii) All concerned to act upon an authenticated copy of this order.

(A.A. SAYED, J)

(A.S. OKA, J)