

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELATE JURISDICTION
CRIMINAL APPLICATION NO.443 OF 2016

Mr.J.M.Puranik for the applicants
Mr.J.P.Yagnik, APP for the respondent No.1
Mr.Gurunath Sawant for respondent No.2

. Not on board. Taken on board.

2 The first applicant is the husband and the second respondent is the wife. At the instance of the second respondent, FIR was lodged for commission of offences punishable under sections 498-A, 406 read with section 34 of the Indian Penal Code with Mahim Police Station. Subsequently, in a petition for divorce filed by the first applicant in the Family Court, a settlement was arrived at between her and the first applicant and the parties agreed to take divorce by mutual consent under section 13(B) of the Hindu Marriage Act, 1955. On the basis

of the said consent terms, a decree of divorce has been passed by the Family Court on 30th April 2015.

3 The second respondent has filed an affidavit recording her no objection for allowing this application in view of the complete settlement between her and the first applicant. Perusal of the consent terms shows that all the disputes between them have been settled.

5 It is obvious that the matrimonial dispute between the the first applicant and the second respondent has led to the registration of FIR. Now there is a complete settlement between the parties. Therefore, in view of the decision of the Apex Court in the case of Gian Singh versus State of Punjab and another¹, a case is made out for allowing this application by quashing the FIR.

6 Hence, we pass the following order:

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

“(a) Be pleased to pass an appropriate order/direction under section 482 of Criminal Procedure Code and thereby be pleased to quash and set aside the proceedings of Criminal Case No.1227/PW/2012 pending in the Court of the Learned Metropolitan Magistrate's 9th Court, at Bandra, Mumbai instituted on the basis of the

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impugned F.I.R No.179/2011 registered at the Mahim Police Station, Mahim, Mumbai for the alleged offences punishable under sections 498-A, 4016 read with section 34 of the Indian Penal Code."

(ii) If any amount deposited by the first applicant is lying deposited with the Family Court at Mumbai, on production of an authenticated copy of this Judgment and Order, the Family Court shall permit the second respondent shall be permitted to withdraw the said amount;

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

(P.D.NAIK,J.)

(A.S.OKA,J.)