

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

Criminal Appln. U/s 482 No.473 of 2016

Mr. Ahmed Faisal Inam

...Applicant (s)

Versus

State of Maharashtra & Anr.

...Respondent(s)

Mr. Bhupendra Mishra for the Applicant.
Dr. F.R. Shaikh, APP for the Respondent No.1/State.
Mr. Anil B. Gaikwad for Respondent No.2.

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

DATED: 7th June, 2016

PC:-

- 1 Heard learned Counsel appearing for the Applicant.

- 2 Rule. Learned APP waives service for the first Respondent. Learned Counsel appearing for the second Respondent waives service. Forthwith taken up for final disposal.

- 3 The prayer in this Application under section 482 of Code of Criminal Procedure, 1973 (for short 'the said Code') is for quashing the charge-sheet filed on the basis of the First Information Report registered at the

instance of the second Respondent for the offences punishable under sections 323, 324 and 504 of Indian Penal Code. The offence is registered on the basis of the incident of 8 December 2013. The second Respondent is the wife of the Applicant. The second Respondent has filed an Affidavit today. The learned Counsel appearing for the second Respondent on instructions of the second Respondent who is personally present in Court states that for the last three years, the Applicant and second Respondent are residing together as husband and wife along with their three daughters. He states that the supplementary affidavit to that effect will be filed during the course of the day. We accept the said statement.

4 It appears that matrimonial dispute between the Applicant and the second Respondent led to the registration of the impugned FIR. In view of the Affidavit of the second Respondent as well as the statement made by the learned Counsel on instructions of the second Respondent, there appears to be a settlement between the parties in the matrimonial dispute. In view of the law laid down by the Apex Court in the case of **Gian Singh vs. State Bank of Punjab**¹, this is a fit case to exercise the power under section 482 of the said Code for quashing the offence. We have perused the medical certificate of the second Respondent. The injuries are simple injuries in the nature of abrasion.

5 Hence, we pass following order:

¹(2012) 10 SCC 303

- i) Rule made absolute in terms of prayer clause (a) which reads thus:
- “(a) This Hon'ble Court be pleased to pass an order quashing and setting aside C.C. No.986/PW/2016 pending before the 66th Metropolitan Magistrate's Court at Andheri, Mumbai along with the F.I.R. being F.I.R. No.353 of 2013 of Amboli Police Station.”
- ii) All concerned to act upon an authenticated copy of this order.

(A.A. SAYED,J.)

(A.S. OKA,J.)