

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.527L OF 2016

Mullick Riyaz Uddin and others	Applicants
versus	
The State of Maharashtra and another	Respondents

Mr.Pandit Kasar for Applicant.
Dr.F.R.Shaikh, APP, for State.
Mr.Veerdhaval Kakade for Respondent no.2.

CORAM : A.S.OKA AND P.D.NAIK, JJ.

DATE : 4th May 2016

PC :

1. Not on board. Taken on board.
2. Heard learned counsel for the Applicants. Rule. Learned APP waives service for State and learned counsel for Respondent no.2 waives service. Forthwith taken up for final disposal.
3. The first Applicant and the second Respondent are husband and wife. The second Applicant is the mother of first Applicant and third Applicant is the brother of first Applicant. Prayer in this application under Section 482 of Code of Criminal Procedure, 1973 ('Code') is for quashing the first information

report ('FIR') registered at Santacruz Police Station for offences punishable under Sections 498A and 406 of Indian Penal Code.

4. The second Respondent is present in the Court, who has tendered an affidavit dated 2 May 2016. In paragraph 4 of the said affidavit, she has stated that there is a settlement of the disputes between her and her husband and now they have decided to reside together. The affidavit indicates that there is reconciliation between the first Applicant and the second Respondent and that they have decided to reside together.

5. A perusal of the FIR shows that the matrimonial dispute between them led to registration of impugned FIR. Now, there is a complete settlement of the matrimonial dispute. In view of settlement, continuation of criminal proceedings will cause prejudice to both the parties. Therefore, in view of the decision of the Apex Court in case of **Gian Singh Vs. State of Punjab and another reported in (2012)10-SCC-303**, this is a fit case to exercise power under Section 482 of the Code.

6. We, therefore, pass following order :

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

"(a) By the order of this Hon'ble Court the FIR No.110/2016 registered with Santacruz Police Station on 1.3.2016 against Applicants under

section 498(A), 406 of Indian Penal Code, 1860, be quashed and set aside."

(ii) All concerned to act on an ordinary copy of this order duly authenticated by registry of this Court.

7. Learned advocate for second Respondent undertakes to file Vakalatnama within two weeks from today.

(PD.NAIK, J.)

(A.S.OKA, J.)

MST