

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.545 OF 2016

Nilesh Rajendra Singh & Ors.

..... Applicants

V/s

The State of Maharashtra & Anr.

..... Respondents

Mr. Prabhakar B. Parse for the Applicants.

Mrs. M.H. Mhatre. APP for Respondent No.1.

Mr. Ranvir Shekhawat and Mr. Jagdish Choudhary i/b M/s. Raj Legal for Respondent No.2.

CORAM : A.S. OKA &

A.A. SAYED, JJ.

DATED : 14 JUNE 2016

ORDER:

1 Heard the learned Counsel appearing for the Applicants, the learned APP for the Respondent/State and learned Counsel appearing for the Second Respondent. Rule. The Respondents waive service. Forthwith taken for final disposal.

2 The prayer made in this Application under section 482 of the Code of Criminal Procedure, 1972 (for short "Cr.P.C.") is for quashing the First Information Report alleging commission of offences under sections 498A, 323, 504, 506, 507, 406 read with section 34 of the Indian Penal Code.

The first Applicant and the second Respondent are husband and wife. The second Respondent has filed an Affidavit-in-Reply dated 10 June 2016. She has stated that after registration of the First Information Report, at the intervention of relatives and well wishers, there was an amicable settlement between her and the first Applicant and since then, she is residing with the First Applicant. Learned Counsel appearing for the second Respondent states that the second Respondent is personally present in the Court and she states that even as of today, she is happily residing with the first Applicant and that she has no objection for quashing the criminal proceedings.

3 Perusal of the First Information Report shows that the matrimonial dispute between the First Applicant and the Second Respondent led to registration of the First Information Report. Now there is a complete settlement of the matrimonial dispute. Therefore, continuation of criminal proceeding will cause undue harassment to the First Applicant and the Second Respondent.

4 Therefore, this is a case where the law laid down by the Apex Court in the case of **Gian Singh vs. State of Punjab and another**¹, is squarely applicable. Hence, the Application must succeed and we pass the following order:

1 (2012) 10 SCC 303

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

“(a) That after examining the legality, proprietary and/or validity of the allegations, registration of FIR No.391 of 2015 registered with Respondent No.1 under Section 498A, 323, 504, 506, 507, 406 of Indian Penal Code be quashed and set aside;”

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

(A.A. SAYED, J.)

(A.S. OKA, J.)