

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

CRIMINAL WRIT PETITION NO. 1831 OF 2016

Charles David Waghmare &
others ... Petitioners
V/s.

The State of Maharashtra & others ... Respondents

Mr. Dilip P. Devadiga for the petitioners.

Ms. K.G. Saraogi Moreshwar for respondent no.3.
Mr. D.P. Adsule, APP for the State.

**CORAM : NARESH H. PATIL AND
PRAKASH D. NAIK, JJ.**

3rd August, 2016.

P.C.

Rule. Rule made returnable forthwith. Heard finally by consent of parties.

2. The petitioners pray for quashing the First Information Report bearing C.R. No. 103/2013 dated 11th July, 2013 for an offence punishable under Sections 498A, 406, 323, 504 read with Section 34 of

the Indian Penal Code and consequent filing of chargesheet. It is submitted that the criminal case No. 702610/2014 is pending against the petitioner before the 12th Metropolitan Magistrate, Bandra, Mumbai.

2. The respondent-Complainant is present in Court. It is stated in her affidavit in paragraphs 2,3 and 4 as under:

“2. I say that pursuant to filing the Complaint I have resolved the dispute with the Petitioners amicably and the Petitioner No.1 and myself have agreed to obtain divorce by mutual consent vide consent terms filed before the Family Court at Bandra on 27/11/2015.

3. I say that the Petitioner No.1 has complied with the consent terms by depositing the amount of Rs. 10,00,000/- before the Family Court at Bandra vide Receipt bearing No.

4. I say that I therefore have no objection if this Hon'ble Court quashes the F.I.R. Bearing No. 103 of 2013 registered with the Shahu Nagar Police Station and consequent proceedings/process in Case No. 702610/2014 also known as Case No.2610/PW/2014 pending on the file of Learned Metropolitan Magistrate, 12th Court at Bandra for offences punishable under Section 498-A, 406,323,504 read with Section 34 of the Indian Penal Code.”

3. Respondent-Complainant is identified by the Counsel appearing for her. It is submitted that Family Court has passed decree of divorce on 27th November, 2015.

4. We have perused the record, considered the affidavit and submissions advanced. In the facts of the case we are inclined to allow the parties to get the FIR quashed and pass following order:

ORDER

(i) The F.I.R. Bearing C.R. no.103/2013 registered with Shahu Nagar Police Station, Mumbai and consequent proceedings in Chargesheet filed vide Case No. 702610/2014 for offences punishable under Section 498-A, 406, 323, 504 read with Section 34 of the Indian Penal Code are hereby quashed and set aside.

(ii) Rule is made absolute in the above terms.

5. Registry to forward copy of this order to the trial Court.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL, J.)