

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

CRIMINAL APPLICATION NO. 580 OF 2016

Vishal s/o Subhash Kshirsagar & Ors.

... Applicants

Vs

The State of Maharashtra & Anr.

... Respondents

...

Mr. Sushrut Jadhwar for the Applicants.

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

Mr. Bhavesh Thakur for Respondent No. 2.

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

DATE : 21 JUNE, 2016.

P.C. :

1 Rule. The learned APP waives service for the 1st Respondent. The learned counsel appearing for the 2nd respondent waives service. Forthwith taken up for final disposal.

2 The 1st Applicant and the 2nd Respondent are husband and wife. The prayer in this application under Section 482 of Code of Criminal Procedure , 1973 (for short "CR.P.C.") is for quashing the First Information Report registered at the instance of the 2nd Respondent for the offences punishable under Section 498-A , 504, 506 read with Section 34 of the Indian Penal Code. Reliance is

placed on the compromise between the 1st Applicant and the 2nd Respondent which was filed on record of Writ Petition No. 7596/2015 filed before the Aurangabad Bench. The writ Petition was disposed of in terms of the consent terms by the order dated 9th February 2016. A copy of the said consent terms is a part of the annexures to the petition. We find that as per the consent terms, a sum of Rs.9,00,000/- has been deposited by the 1st Applicant in the Court of the Civil Judge Senior Division, at Ahmednagar. In terms of the consent terms, Hindu Marriage Petition No. 107/2016 has been filed by the 1st Applicant and the 2nd Respondent in the Court of the learned Civil Judge Senior Division, at Ahmednagar. The said petition has been fixed on 26th August 2016. The petition is for seeking divorce by mutual consent.

3 The learned counsel appearing for the applicants and the 2nd Respondent states that the 1st Applicant and 2nd Respondent are personally present in the Court and they undertake to this Court not to withdraw their consent which is recorded in Hindu Marriage Petition No.107 of 2016 for the grant divorce by mutual consent

under Section 13-B of the Hindu Marriage Act, 1955.

4 Perusal of the first information report shows that the matrimonial dispute between the 1st Applicant and the 2nd Respondent led to the registration of the first information report. Now that the matrimonial dispute is completely settled. The amount payable by the 1st Applicant to the 2nd Respondent is secured by depositing the same in the trial Court. In view of the complete settlement of the matrimonial dispute, the continuation of the criminal proceeding will cause undue harassment to both the husband and wife. Therefore, it is a fit case to exercise the power under Section 482 of the Code of Criminal Procedure, 1973.

5 Accordingly, Rule is made absolute in terms of prayer clause (b) which reads thus :

b) *That this Hon'ble Court be pleased quash C. R. No. 448 of 2015 registered with the Shirur, Police Station, Pune Gramin, Mumbai under sections 498A, 504, 506, 34 of the Indian Penal Code.*

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

(A. A. SAYED, J.)

(A. S. OKA, J.)