

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

CRIMINAL APPLICATION NO.598 OF 2016

Sunil Vasant Kulkarni & Ors. ..Applicants
V/s.
Poonam Vinit Kulkarni & Ors. ..Respondents

Mr.Ramesh D. Chheda for the Applicants.
Ms.Poonam Vinit Kulkarni Respondent No.1 Party-in-person present.
Ms.M.H. Mhatre APP for Respondent Nos.2 and 3.

**CORAM : ABHAY S. OKA AND
A.A. SAYED, JJ**

DATE : 25th JULY 2016

ORDER :

1. Not on board. Taken on board.
2. Rule.
3. Learned APP waives service for the second and third respondents. First respondent appears in person and tenders her affidavit. Learned APP states that Shri.Vijay Kaka Thakar, Assistant Police Inspector attached to Vileparle Police Station, Mumbai is present in the Court who personally identifies the first respondent as the first informant in CR No.300 of 2013 which is the subject matter of challenge in this application. Forthwith taken up for final disposal.

4. The first respondent is the wife of the third applicant. The first and second applicants are the parents of the third applicant. The offence registered at the instance of the first respondent is punishable under Section 498A read with 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

5. In Petition No.A520 of 2014 filed by the third applicant against the first respondent before the Family Court, Bandra, Mumbai the parties have arrived at settlement which is recorded in the consent terms duly signed by the third applicant and the first respondent before the marriage counselor of the Family Court, Bandra, Mumbai. In the affidavit filed by the first respondent, she has accepted that there is a complete settlement recorded in the consent terms dated 19th May 2016. She accepts that a sum of Rs.7,00,000/- has been already deposited by the third applicant with the Family Court in terms of settlement and she has no objection for quashing the present proceedings.

6. Perusal of the first information report shows that the matrimonial dispute between the third applicant and first respondent resulted in the registration of the first information report. Now there is a complete settlement of the matrimonial dispute as evident from the Consent Terms. Therefore, in view of the law laid down by the Apex Court in the case of Gian

Singh V/s. State of Punjab¹, this is a fit case to quash the proceedings. If the criminal proceedings continue it will cause unnecessary harassment to the husband and wife after settlement of the matrimonial dispute. Hence, the application must succeed. We pass following order:-

ORDER

(i) Rule is made absolute in prayer clauses (a) and (b) which reads thus:-

“(a) To quash the case being C.C.No.1167/PW/2014 C.R. No.300/2013 of Charkop Police Station, Kandiwali (W), Mumbai pending before the Metropolitan Magistrate, 24th Court, at Boriwali, Mumbai and to discharge all accused of all the charge.

(b) To direct the 24th M.M. Court at Boriwali to release all the bail bonds and to release cash securities, if any as well sureties.”

(A.A. SAYED J.)

(ABHAY S. OKA, J.)

1[(2012)-10-SCC-303]