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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELATE JURISDICTION  
CRIMINAL APPLICATION NO.601 OF 2016

Mustaq Yusuf Ali Sayani & Ors                      ...Applicants  
vs.  
The State of Maharashtra & Anr.                      ...Respondents

Mr.Himanshu S. Shinde for the applicants  
Dr.F.R.Shaikh, APP for the respondent No.1  
Ms Sujata Rajguru for respondent No.2

CORAM : A.S.OKA, &  
                    A.A.SAYED, JJ.  
DATE : JULY 27, 2016

P.C.:

1     Rule.    The learned APP waives service for the first respondent. The learned counsel for the second respondent waives service. Forthwith taken up for final hearing.

2     The prayer in this application under section 482 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") is for quashing the criminal case based on the C.R. No.13 of 2013 registered with the Versova Police Station, Mumbai alleging commission of offences punishable under sections 498-A, 406 read with section 34 of the Indian Penal Code. The second respondent is the wife of the first applicant. Today, the learned counsel for the applicants has tendered on record a copy of consent terms signed by the first applicant and the second respondent before the Marriage Counselor of the

Family Court at Bandra, Mumbai in Criminal M.A. No.22 of 2015. The copy of the consent terms is taken on record and marked 'X-1' for identification. The consent terms record a complete settlement between the first applicant and the second respondent in relation to their matrimonial dispute. It provides for settlement of all pending cases. The learned counsel for the first applicant and the second respondent state that in terms of clause 4 of the settlement, there is already a Talaq. There is an affidavit filed by the second respondent in which she has accepted the correctness of the settlement.

3 Perusal of the FIR shows that the matrimonial dispute is the root cause of the registration thereof. Now, there is a complete settlement of the matrimonial dispute. Therefore, the power of this Court under section 482 of the Cr.P.C deserves to be exercised in view of the decision of the Apex Court in the case of Gian Singh versus State of Punjab and another<sup>1</sup>.

4 Accordingly, the application must succeed. Hence, we pass the following order:

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

(a) This Hon'ble Court may kindly quash and set aside the proceedings in C.C. No.

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1 (2012) 10 SCC page 303

2206/PW/2013 pending before the Ld.M.M.,  
Railway Mobile Court at Andheri, Mumbai  
arising out of C.R.No.13/2013 registered with  
Versova Police Station for offences u/s 498-  
A, 406 and 34 of the I.P.C at the instance of  
the Respondent No.2 (Orig. Complainant)."

(A.A.SAYED,J.)

(A.S.OKA,J.)