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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.689 OF 2016

Mr. Gurmukh Vijaykumar Arora and Ors.	... Applicants
Vs.	
The State of Maharashtra and Anr.	... Respondents

Ms. Bhakti Deshpande for the Applicants.
Dr. F.R. Shaikh, APP for the Respondent No.1.
Mr. Rahul Karnik, for the Respondent No.2.

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

DATE : 1st JULY, 2016

PC.

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

2 The prayer in this application under Section 482 of the Code of Criminal Procedure, 1973 (for short "Cr.PC.") is for quashing the First Information Report registered under Section 498A, 323, 324, 504, 506, 406 r/w 34 of the Indian Penal Code. The second respondent is the wife of the first applicant. The second applicant is the mother of the first applicant. The third applicant is the married sister of the first applicant.

3 Our attention is invited to the consent terms filed between the first applicant and the second respondent in Petition No.A-550 of 2016 before the Family Court at Bandra, Mumbai. The consent terms show that parties agreed to take divorce by mutual consent and have settled all the pending disputes in terms of the settlement which is reflected from Exhibit-B. A sum of Rs.4,50,000/- has been deposited by the first applicant in the Family Court, Bandra, Mumbai.

4 Today, an affidavit is tendered by the second respondent stating that in view of the settlement, she has no objection for quashing the proceedings. The learned counsel appearing for the second respondent on instructions states that matrimonial petition is kept before the Family Court on 10th August, 2016 for passing a decree of divorce under Section 13(B) of the Hindu Marriage Act, 1955. On instructions, the learned counsel for the first applicant and the learned counsel for the second respondent state that both the parties undertake not to withdraw their respective consent recorded for passing a decree of divorce by mutual consent. We accept the said statements.

5 Perusal of the FIR shows that the matrimonial dispute between the first applicant and the second respondent led to the registration of the impugned FIR. Now, the matrimonial dispute is

completely settled. Therefore, this is a fit case to exercise power under Section 482 of the Cr.PC for quashing criminal proceedings on the ground of the settlement of the matrimonial dispute. Apart from the fact that chances of conviction are very bleak, continuation of criminal case would cause undue hardship to the first applicant as well as the second respondent. Accordingly, we pass the following order :-

ORDER

(i) Rule is made absolute in terms of prayer clause (a)

which reads thus :-

“(a) this Hon'ble Court to quash and set aside FIR being C.R.No.169 of 2015 registered with Goregaon West Police Station, Mumbai, dated 03/04/2015, for offences punishable u/s. 498A, 323, 324, 504, 506, 406 r/w 34 of Indian Penal Code on such terms and conditions as this Hon'ble Court may deem fit and proper.”

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

(A.A. SAYED, J)

(A.S. OKA, J)