

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.745 OF 2016

Jaydeep Mahadev Katke and anr.	...	...Applicants
v/s.		
The State of Maharashtra & anr.		...Respondents

...

Mr.Arvind Taral i/b Q.M.Ashfaq for the Applicants.
 Mr.Satish K.Kumbhar for the Respondent No.2.
 Ms.M.H.Mhatre, APP for the Respondent No.1.

...

CORAM : A.S.OKA &

A.A. SAYED, JJ.

DATED : 21 SEPTEMBER 2016

P.C.:

Rule. Learned APP waives service for the first Respondent.
 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 (for short "CrPC") is for quashing the First Information Report for the offences punishable under section 498-A, 323,377 and 506 read with section 34 of the Indian Penal Code.

3. The allegation in the statement of the second Respondent is that her husband i.e. the first Applicant was treating her with cruelty. The second allegation is that the first Applicant was maintaining relationship with the second Applicant.

4. Today, a joint Affidavit is filed by the first Applicant and the second Respondent. In paragraph (2) of the joint Affidavit, it is stated that with the intervention of elders in the family and considering the welfare of their children, they have resumed cohabitation from 4 June 2016 and till today, they are residing together. They have given an assurance that they will continue cohabitation.

5. Perusal of the statement of the second Respondent on the basis of which the First Information Report is registered shows that the matrimonial dispute was the main cause for the registration of the offence. By filing an Affidavit, the second Respondent has given up her allegation against the second Applicant. Now, Affidavit tendered today shows that from 4 June 2016, the first Applicant and the second Respondent have resumed cohabitation.

6. Therefore, now the matrimonial dispute is not in existence. Under the circumstances, continuation of criminal proceedings will cause undue hardship to both the first Applicant and the second Respondent. Therefore, this is a fit case to exercise the power under section 482 of CrPC.

7. Accordingly, we pass the following order:

ORDER

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

“(a) This Hon'ble Court be pleased to quash the proceedings in C.R./FIR No.153 of 2016 lodged and registered with the Dharavi Police Station on 14.04.2016 at the instance of Respondent No.2 on such terms and conditions as this Hon'ble Court may deem proper;”

(A.A. SAYED, J.)

(A.S.OKA, J.)