

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.759 OF 2016**

Mr.Jimit Prakash Meha & ors. ...Applicants
v/s.
Mrs.Charmi Jimit Meha and anr. ...Respondents

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Mr.Bhavesh Magam i/b Mr.Kiran Dalvi for the Applicants.
Dr.F.R.Shaikh, APP for Respondent No.2.
Mr.Swapnil Walve i/b Mr.Anil Galgali for Respondent No.1.

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

DATED : 19 JULY 2016

P.C.:

(Not on Board. Taken on Board.)

Rule. Learned APP waives service for the second Respondent.
Learned Counsel appearing for the first Respondent waives service.
Forthwith taken up for final disposal.

2. The First Applicant and the First Respondent are husband and wife.
In a Petition for divorce pending between them before the Family Court at
Mumbai, the parties arrived at settlement, which is recorded in the form of
the Consent Terms signed by the First Applicant and the First Respondent
before the Marriage Counsellor on 27 June 2016. Today, an Affidavit has
been filed by the first Respondent reiterating that there is a settlement of
the matrimonial dispute before the Marriage Counsellor and reiterating what

is stated in the Consent Terms. There is also an Affidavit filed by the first Applicant reiterating the correctness of the settlement arrived at before the Marriage Counsellor.

3. It is pointed out that pending Petition for the divorce has been converted into a Petition under section 13-B of the Hindu Marriage Act, 1955 and the same is kept on 20 October 2016. The first Applicant and the first Respondent, who are personally present in the Court, through their respective learned Counsel give undertaking to the Court not to withdraw the consent for passing a decree under section 13(B) and to remain present before the Family Court on the date fixed.

4. As there is a complete settlement between the matrimonial disputes, this is a fit case to exercise power under section 482 of the Code of Criminal Procedure, 1973 in the light of the decision of the Apex Court in the case of **Gian Singh v/s.State of Punjab**¹.

5. Hence, we pass the following order:

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

¹ (2012) 10 SCC 303

“(a) This Hon'ble Court be pleased to quash C.R.No.606 of 2015 registered with Juhu Police Station for the offence under Section 498(A), 406, 323, 504 and 506 of I.P.C., on such terms and conditions as this Hon'ble Court may deem fit and proper.”

(A.A. SAYED, J.)

(A.S.OKA, J.)