

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO.745 OF 2014

... Jagganath s/o Pandharinath Chaudhari and ors. v/s. The State of Maharashtra & ors. ... Mr.Prashant D.Patil for the Applicants. Ms.M.H.Mhatre, APP for the Respondent No.1. Mr.Paras Yadav for the Respondent No.2. ...	...Applicants ...Respondents
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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 is for quashing the First Information Report registered for the offences punishable under sections 498-A, 406, 504, 506 read with section 34 of the Indian Penal Code.

3. The second Respondent has tendered an Affidavit to which the consent terms signed before the Marriage Counselor of the Family Court on 5 February 2015 have been annexed. The consent terms have been filed in a Petition for divorce filed by the first Applicant against the second Respondent. The consent terms records that from 15 April 2015, the first Applicant and the second Respondent have resumed cohabitation as husband and wife. In the Affidavit filed by the second Respondent, in paragraph (3) she has stated that they resumed cohabitation on 15 April 2015. The first Applicant and the second Respondent, who are present in the Court, through their learned Counsel state that they continue to reside together as husband and wife in terms of the said settlement. We accept the said statement.

4. The matrimonial dispute between the first Applicant and the second Respondent led to registration of the impugned First Information Report. Now the husband and wife have reconciled and resumed cohabitation from 15 April 2015. Hence, continuation of the 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 for quashing the First Information Report.

5. Accordingly, we pass the following order:

ORDER

Rule is made absolute in terms of prayer clause (B), which read thus:

(B) The Hon'ble Court may be pleased to quash and set aside F.I.R. bearing No.165/2014 registered under section 498-A, 406, 504, 506 r/w 34 of Indian Penal Code at Warge Malwadi Police Station Pune at the instance of Respondent No.;

All concerned to act on an ordinary copy of this order duly authenticated by the Registry.

(A.A. SAYED, J.)

(A.S.OKA, J.)