

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO.862 OF 2012

Shailesh Yadu Nangare and Others. .. Applicants
Vs
State of Maharashtra and Another. .. Respondents
—
Shri G.T. Kanchanpurkar i/b Shri Prasad S. Panchal for the Applicants.
Dr. F.R. Shaikh, APP for the Respondent No.1.
Shri Sharad Suryawanshi i/b Pol Juris for the Respondent No.2.
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CORAM : A.S. OKA & A.A.SAYED, JJ
DATED : 31ST AUGUST 2016

P.C.

1. Heard learned counsel appearing for the Applicant, the learned APP for the first Respondent-State and the learned counsel appearing for the second Respondent.

2. Rule. The learned counsel appearing for the second Respondent waives service. The learned APP waives service for the first Respondent. Taken up forthwith for final disposal.

3. The prayer in this Application is for quashing the First Information Report registered at the instance of the second Respondent for the offences punishable under Clauses (a) and (b) of Sections 498 read with Section 34 of the Indian Penal Code.

4. The learned counsel appearing for the second Respondent has tendered an affidavit of the second Respondent. The first Applicant and the second Respondent are the husband and wife. In the affidavit tendered across the bar, the second Respondent has stated that at the intervention of the learned Mediator, the first Applicant and the second Respondent have started staying together. It is stated that after the order was passed by the Trial Court in the year 2011, they are staying together along with their six year old daughter. It is stated that they have obtained a temporary place of residence and invested the money for obtaining permanent accommodation. It is stated that the second and third Applicants are residing at Worli. In view of these developments, the second Respondent has no objection for quashing the FIR. The learned counsel appearing for the Applicants and the second Respondent state that the first Applicant and the second Respondent are personally present in Court and they reiterate that from the year 2011, they are residing together and there is a complete settlement of their matrimonial dispute. We accept the statements.

5. The matrimonial dispute between the first Applicant and the second Respondent led to the registration of the FIR. Now there is a complete settlement of the matrimonial dispute as the husband and wife are residing together.

6. Continuation of the criminal proceedings will cause undue hardship to the first Applicant and the second Respondent. Hence, this is a fit case to exercise the powers under Section 482 of the Code of Criminal Procedure, 1973 for quashing the FIR. Accordingly, we pass the following order:

ORDER :

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

(b) which reads thus:

“(b) To quash and set aside C.R. No.288 of 2011 dated 2/12/11 registered with Worli Police Station for the offences u/s. 498(a)(b) r/w. 34 of I.P.C.”

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

(A.A. SAYED, J)

(A.S. OKA, J)