

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2533 OF 2016

Sameer Akshay Pakvasa

..... Petitioner

V/s

State of Maharashtra & Anr.

..... Respondents

Mr. Ajay Basutkar for the Petitioner.

Ms. M.H. Mhatre, APP for the Respondent No.1/State.

Ms. Trupti Khache and Mr. Mandar Bangale i/b M/s. Jayakar & Partners
for the Respondent No.2.

CORAM : A.S. OKA &

A.A. SAYED, JJ.

DATED : 25 OCTOBER 2016

ORDER:

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

2 The prayer in this Petition under Article 226 of the Constitution of India read with section 482 of the Code of Criminal Procedure, 1973 (for short "CrPC") is for quashing the criminal proceedings initiated on the basis of the First Information Report registered at the instance of the second Respondent for the offences punishable under sections 498A, 406, 341, 420, 467, 468, 471 and 354C of the Indian Penal Code.

3 The Petitioner and the second Respondent are husband and wife. In Petition No.D-71 of 2015 filed by the Petitioner against the second Respondent in the Family Court at Bandra in Mumbai, the Petitioner and the second Respondent filed Consent Terms. A copy of the Consent Terms is annexed as Exhibit-B to the Petition. The learned Counsel appearing for the Petitioner and the learned Counsel appearing for the second Respondent state that both the parties have signed the Consent Terms and that the Consent Terms have been acted upon. In fact a Petition for divorce under section 13B of the Hindu Marriage Act, 1955 has been already filed by the parties before the Family Court at Bandra in Mumbai which is pending.

4 There is an Affidavit filed by the second Respondent today. In view of the settlement incorporated in the Consent Terms, she has given no objection for quashing criminal proceedings.

5 Perusal of the impugned charge-sheet shows that the matrimonial dispute between the Petitioner and the second Respondent has resulted in registration of the First Information Report. In view of complete settlement of the matrimonial dispute, the continuation of the criminal proceedings will cause undue harassment to the Petitioner and the second Respondent.

5 Accordingly we pass following order:

- i) Criminal Case No. 50/PW/215 pending in the Court of Additional Chief Metropolitan Magistrate, 9th Court, Bandra, Mumbai arising out of First Information Report No.374 of 2014 registered with Khar Police Station, Mumbai is hereby quashed and set aside.
- ii) All concerned to act upon an authenticated copy of this judgment and order.

(A.A. SAYED, J.)

(A.S. OKA, J.)

katkam