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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELATE JURISDICTION
CRIMINAL APPLICATION NO.886 OF 2016

Dheeraj Babruwan Giri & Ors. ...Applicants
vs.
Priyanka Dhiraj Gir & Anr. ...Respondents

Mr.Nitin Sejpal for the applicants
Mr.Bhavesh Thakur for the respondent No.1
Dr.F.R.Shaikh, APP for respondent No.2

CORAM : A.S.OKA, &
 A.A.SAYED, JJ.
DATE : AUGUST 11, 2016

P.C.:

. Not on board. Taken on board.

1 Rule. Learned APP waives service for the second respondent. The learned counsel for the first respondent waives service. Forthwith taken up for final hearing. Prayer in this application under section 482 of the Code of Criminal Procedure,1973 is for quashing the charge sheet and criminal proceedings for offences punishable under sections 498-A,406, 323, 504 and 506 read with section 34 of the Indian Penal Code.

2 The first respondent is the first informant. The first applicant and the first respondent are the husband and wife. Our attention is invited to the consent terms signed by the first applicant and the first respondent on 10th June 2016 before the Marriage Counsellor of the Family Court at Thane in

Petition No.A-276 of 2015 filed by the first applicant. The first respondent has tendered her affidavit. In the affidavit, she has accepted that there is a settlement in the said petition before the Family Court and in view of the settlement in the form of consent terms dated 10th June 2016, she has no objection for quashing the criminal proceedings. It is also accepted by her that the first applicant has deposited a pay order in the sum of Rs.3,00,000/- drawn in her favour with the office of the Family Court at Thane.

3 Perusal of the charge sheet shows that it is the matrimonial dispute between the first applicant and the first respondent which led to the registration of the FIR. Now, there is a complete settlement of the matrimonial dispute. The parties have agreed to take divorce by mutual consent. The law laid down by the Apex Court in the case of Gian Singh versus State of Punjab and another¹ will squarely apply to the present case. The continuation of the criminal proceedings will cause undue hardship to the first applicant and the first respondent. Accordingly, we dispose of the application by passing the following order:

(I) Rule is made absolute in terms of prayer clause (b) which reads thus:

“(b) That this Hon'ble Court in exercise of its jurisdiction inherent power under section 482 of Cr.P.C be pleased to thereby quashing and

setting aside proceedings in C.C.No.52 of 2016 pending in the file of the learned Judicial Magistrate, First Class, Thane arising out of F.I.R.No.I-162 of 2016 registered with the Shree Nagar Police Station under Sections 498-A, 406, 323, 504, 506 read with section 34 of the Indian Penal Code, on the complaint of the Respondent No.1."

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

(A.A.SAYED,J.)

(A.S.OKA,J.)