

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPLICATION NO. 890 OF 2016

Mr. Rajesh Madhukar Desai and Others. .. Applicants  
Vs.  
State of Maharashtra and Another. .. Respondents

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Shri Pravin H. Padave for the Applicants.  
Shri K.V. Saste, APP for the Respondent No.1.  
Shri Viresh V. Purwant for the Respondent No.2.

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CORAM : A.S. OKA & A.A.SAYED, JJ  
DATED : 24TH AUGUST 2016

PC.

1. Not on board. Taken on board.
2. Heard learned counsel appearing for the Applicants. Rule.  
The learned APP waives service for the first Respondent and the Advocate for the second Respondent waives service. The first Applicant and the second Respondent are husband and wife. The prayer in this Criminal Application under Section 482 of the Code of Criminal Procedure, 1973 ( for short “CrPC”) is for quashing the First Information Report (FIR) registered under Sections 498(A), 420, 406, 494 read with Section 34 of the Indian Penal Code.

3. Our attention is invited to the consent terms filed by the parties in Writ Petition No.A-41 of 2012 pending in the Family Court at Thane filed by the second Respondent. A complete settlement of the matrimonial dispute has been recorded in the consent terms. The parties have agreed to take divorce by consent. A sum of Rs.60,000/- payable as per the consent terms in cash has been paid to the second Respondent wife on 19<sup>th</sup> July 2016. A sum of Rs.20 lacs has been deposited by the first Applicant with the Family Court on 10<sup>th</sup> August 2016 by two separate Pay Orders in the sum of Rs.10 lacs each.

4. The second Respondent has filed an affidavit in which she has accepted that there is a complete settlement of the matrimonial dispute and therefore, she has no objection for quashing the FIR. We find that the matrimonial dispute between the first Applicant and the first Respondent led to the registration of the FIR. Now the matrimonial dispute is settled.

5. The second to fourth Applicants are the members of the family of the first Applicant. Now there is a complete settlement of the matrimonial dispute. Hence, continuation of the criminal proceedings will cause undue hardship to both the first Applicant and the second Respondent. In view of the law laid down by the Apex Court in the decision in the case of *Gian Singh v. State Bank of Punjab*<sup>1</sup>, a case is

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1 (2012) 10 SCC 303

made out to exercise the powers under Section 482 of the CrPC for quashing the FIR.

6. Accordingly, we dispose of the Application by passing the following order.

ORDER :

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

(a) which reads thus:

“(a) That this Hon'ble Court may pass appropriate orders/writ/directions and quash and set aside all the proceedings arising out of and the FIR bearing C.R. No.321 of 2015 registered with Rabodi Police Station, Thane.”

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

(A.A. SAYED, J)

( A.S. OKA, J )