

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL WRIT PETITION NO.2757 OF 2016

Mr. Mohammed Imran Noor Mohammed Patel  
and Others. .. Petitioners  
Vs  
The State of Maharashtra and Another. .. Respondents

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Ms. Tahera Abdul Rashid Qureshi for the Petitioners.  
Ms. M.H. Mhatre, APP for the Respondent No.1.  
Shri M.A. Mansuri for the Respondent No.2.  
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CORAM : A.S. OKA & A.A.SAYED, JJ  
DATED : 18TH AUGUST 2016

PC.

1. Mentioned out of turn.
2. 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.
3. The prayer in this Petition under Section 482 of the Code of Criminal Procedure, 1973 is for quashing the First Information Report (FIR) registered with Dongri Police Station at the instance of the second Respondent for the offences punishable under Sections 498(A), 354, 509 read with 34 of the Indian Penal Code.

4. The first Petitioner and the second Respondent are the husband and wife. Reliance is placed in this Petition on the Memorandum of Understanding dated 8<sup>th</sup> August 2016 executed by and between the first Applicant and the second Respondent which records a complete settlement of their matrimonial dispute. The prayer for quashing is made on the basis of the said settlement. The second Respondent who is personally present in the Court has filed an affidavit-in-reply confirming the said settlement and confirming the fact that the wife has received a sum of Rs.2,50,000/- and that in view of the settlement, she has consented for quashing of the said FIR.

5. Perusal of the FIR shows that the matrimonial dispute between the first Petitioner and the second Respondent led to the registration of the FIR. Now there is a complete settlement of the matrimonial dispute. Therefore, continuation of the criminal proceedings will cause undue hardship to both the parties. Therefore, 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 made out for exercising the powers under Section 482 of the Code of Criminal Procedure, 1973.

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1 (2012) 10 SCC 303

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

ORDER :

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

which reads thus:

“(a) To quash the FIR registered by Dongri Police Station at C.R. No.92/16 on 18.05.16 on the Complaint of Mrs. Aniulsaba the 2<sup>nd</sup> Respondent herein, for offences punishable u/s 498-(A), 453, 509, r/w 34 of I.P.C. and all consequential actions/proceedings initiated by the Dongri Police in connection thereof in the interest of justice.”

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

(A.A. SAYED, J)

( A.S. OKA, J )