

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2813 OF 2016

Hasib Mohd. Ghouse. .. Petitioner
Vs
The State of Maharashtra and Another. .. Respondents
—
Shri Karan Mehta i/b Shri Sudhakar Namdev Surve for the Petitioner.
Ms. M.H. Mhatre, APP for the Respondent No.1.
Shri Prosper D'Souza 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 APP waives service for the first Respondent. The learned counsel appearing for the second Respondent waives service. Forthwith taken up for final disposal.
3. The prayer in this Writ Petition under Article 226 of the Constitution of India is for quashing the First Information Report (FIR) registered with the Bangur Nagar Police Station, Mumbai, for the offences punishable under Section 498(A), 406, 506(II), 323 and 326

read with Section 120(B) and Section 34 of the Indian Penal Code along with Sections 4 and 6 of the Dowry Prohibition Act, 1961. The FIR is registered at the instance of the second Respondent. The Applicant and the second Respondent are the husband and the wife. Today, the learned counsel appearing for the Applicant and the learned counsel appearing for the second Respondent have tendered a Deed of Settlement dated 16th August 2016 signed by the Applicant as well as the second Respondent before a notary public. The same is taken on record and marked "A1" for identification. The Deed of Settlement records that for the sake of future of their children, the Applicant and the second Respondent have reconciled and have settled all their disputes. There is an affidavit to that effect filed by the second Respondent recording settlement between her and the Applicant.

4. The FIR is based on the matrimonial dispute of the Applicant and the second Respondent. Now there is a complete settlement of the matrimonial dispute as evidenced from the Deed of Settlement and affidavit of the second Respondent and, therefore, the law laid down by the Apex Court in the decision in the case of ***Gian Singh v. State Bank of Punjab***¹ will squarely apply. Hence, the Petition must succeed and we pass the following order.

¹ (2012) 10 SCC 303

ORDER :

- (a) The Rule is made absolute in terms of prayer clause
(b), which reads thus:

“(b) That this Hon'ble Court may be pleased to quash and set aside the F.I.R. No.261 of 2015 dated 01/08/2015 under Sections 498(A), 406, 506II, 323, 326 r/w sections 120(b) and 34 of the Indian Penal Code r/w sections 4 and 5 of the Dowry Prohibition Act, 1961 lodged with Bangur Nagar Police Station, registered at the instance of Smt. Sanobar Hasib Ghouse i.e. Respondent No.2.”

- (b) The parties to act upon an authenticated copy of this order.

(A.A. SAYED, J)

(A.S. OKA, J)