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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELATE JURISDICTION
WRIT PETITION NO.2884 OF 2016

Sunil Gangabhishan Soni & Ors. ...Petitioners
vs.
The State of Maharashtra & Anr ...Respondents

Ms Shital Abhay i/b Ms Nisha S. Gaikwad for the
Petitioners
Ms M.H.Mhatre, APP for the respondent No.1
Mr.Pranav Verma for respondent No.2

CORAM : A.S.OKA, &
 A.A.SAYED, JJ.
DATE : SEPTEMBER 23, 2016

P.C.:

1 Rule. The learned APP waives service for the first respondent. The learned counsel for the second respondent waives service. Forthwith taken up for final hearing.

2 The first petitioner and the second respondent are husband and wife. The second and third petitioners are the parents of the first petitioner and the fourth petitioner is the brother of the first petitioner. The prayer made in this petition under Article 226 of the Constitution of India read with section 482 of the Code of Criminal Procedure, 1973 is for quashing the FIR registered under section 498-A read with section 34 of the Indian Penal Code.

3 Our attention is invited to the joint petition filed by the first petitioner and the second respondent under section 13-B of the Hindu Marriage Act, 1955 before the Principal Judge of the Family Court, South East, Saket, New Delhi and the order passed by the Principal Judge on 16th July 2016 and in particular paragraph 5 thereof which records the settlement between the first petitioner and the second respondent. The first petitioner has agreed to pay a total amount of Rs.8,50,000/- to the second respondent in full settlement of all her claims. Out of the sum of Rs.8,50,000/-, a sum of Rs.4,25,000/- has been already paid to the second respondent. Remaining amount is agreed to be paid at the time of passing the final order in the said Petition under section 13-B of the said Act.

4 The learned counsel for the petitioner and the learned counsel for the second respondent on instructions of the first petitioner and the second respondent state that both of them will not withdraw their respective consent for passing the decree under section 13-B of the said Act. We accept the said statement.

5 We have perused the affidavit of the second respondent. She has accepted that there is a settlement and that she has received a part of the agreed amount.

6 The first information report was registered as a result of matrimonial dispute. Now there is a

complete settlement of the matrimonial dispute. In view of the complete settlement, continuation of criminal proceedings will cause undue hardship to both the first petitioner and the second respondent. Therefore, this is a fit case to exercise power under section 482 of the Code of Criminal Procedure, 1973.

7 Accordingly, we pass the following order :

- (I) FIR C.R.No.270 of 2014 registered at Sangvi Police Station, Pune and Regular Criminal Case No.754 of 2014 pending in the Court of the learned Judicial Magistrate at Morwadi Pimpri, Pune are hereby quashed and set aside;
- (II) All concerned to act upon an authenticated copy of this order;
- (III) Rule is made absolute on above terms.

(A.A.SAYED,J.)

(A.S.OKA,J.)