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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.869 OF 2015**

Mr. Sandeep Gulab Pashankar ... Applicant
Vs.
Mrs. Archana Sandeep Pashankar and Anr. ... Respondents

Mr. Uday P. Warunjikar for the Applicant.
Mr. V.A. Gangal i/by Mr. Ashok Gade for the Respondent No.1.
Dr. F.R. Shaikh, APP for the Respondent No.2.

**CORAM : A.S. OKA &
P. D. NAIK, JJ.**

DATE : 18th APRIL, 2016

PC.

1 Rule. Rule made returnable forthwith. Respondents waives service. This is an application filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing the criminal proceedings by consent. The first Respondent had lodged a First Information Report with Nerul Police Station on 5.11.2007 vide C.R. No.385 of 2007 for the offences punishable under Sections 498A, 324 read with 34 of the Indian Penal Code, 1860. The charge sheet has been filed and the proceedings are pending before competent Court. The first respondent also initiated criminal proceedings under Section 494 of IPC which are pending before the Court of J.M.F.C at Vashi, Navi Mumbai vide C.C. No.S-22005/2013.

2 In the First Information Report dated 5.11.2007 it is alleged that the applicant and the other accused had caused harassment to the first respondent. The dispute depicted therein is of matrimonial nature.

3 In the second complaint lodged by the first respondent it is alleged that the applicant had solemnized the second marriage and committed act of bigamy.

4 The learned counsel appearing for the Applicant as well as the first Respondent pointed out that the parties have settled the dispute amicably and they are seeking quashing of the said proceedings by consent. They have also placed reliance upon the consent terms which are annexed to the Petition as Exhibit-A. In the said consent terms in clause 12, it has been mentioned that charge sheet has been filed in the cases filed by the first Respondent and she gives her consent for quashing the said proceedings. The said consent terms were filed before the Hon'ble High Court in Family Court Appeal No.135 of 2012. The counsel appearing for the first Respondent has also accepted that there is compliance of clause 9 of the said consent terms.

5 We have gone through the FIR as well as the documents

annexed to this application and we are satisfied that the proceedings can be quashed with the consent of both the parties. As stated above, the dispute is purely of matrimonial nature and, therefore, power under Section 482 of the Cr.PC can be exercised to quash the said proceedings. Reliance can be placed on the recent decision of the Hon'ble the Supreme Court in the case of Gian Singh Vs. State Bank of Punjab¹, wherein it has been observed that the disputes which are of private nature and the parties have amicably settled, the said proceedings can be quashed by exercising inherent powers under Section 482 of the Cr.PC. In view of what is stated above and considering the fact that the disputed matters are of private nature and also considering the fact that the parties have filed consent terms in the Family Court Appeal No.135 of 2012 and an account of compliance of the said consent terms, we are inclined to allow this application. In view of this, the following order is passed :-

ORDER

- (i) Rule is made absolute;
- (ii) Criminal proceedings arising out of C.R.No.385/2007 registered with Nerul Police Station for offences under Section 498A, 324, 34 IPC and the Criminal Proceedings in C.C. No.S-22005/2013 pending before the Court of Judicial Magistrate First Class, Vashi, Navi

¹ (2012) 10 SCC 303

Mumbai for offence under Section 494 IPC are quashed
and set aside;

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

(P. D. NAIK, J)

(A.S. OKA, J)