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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1032 OF 2016

Rajnikant R. Kanojiya & Ors.	...Applicants
V/s.	
The State of Maharashtra & Anr.	...Respondents

Mr.Satyendrakumar R. Sharma for the Applicants.

Dr.F.R. Shaikh, A.P.P. for the State - Respondent No.1.

Mr.Ram M. Upadhyay for the Respondent No.2.

CORAM : A.S. OKA &
R.D. DHANUKA, JJ.
DATE : 7TH SEPTEMBER, 2016.

P.C. :-

1. Rule. Learned A.P.P. waives service for the first respondent. Learned counsel appearing for the respondent no.2 waives service. Forthwith taken up for final hearing.

2. The prayer in this application under section 482 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C") is for quashing the criminal proceedings arising out of the first information report registered at the instance of the second respondent for the offences punishable under Sections 498-A, 406 read with 34 of Indian Penal Code.

3. The applicant is relying upon the consent terms in the proceedings of Petition No.A-721 of 2015 in the Family Court at Bandra, Mumbai. By the consent terms, the first applicant and the second respondent, who are husband and wife, agreed to dissolve their marriage by obtaining a decree of divorce by mutual consent. The first applicant agreed to pay a lump sum amount of Rs.2,30,000/- to the second respondent by way of permanent alimony. Accordingly, the said amount has been received by the second respondent under the receipt dated 22nd June, 2016.

4. The second respondent is personally present in Court, who tenders her affidavit through her learned advocate. She stats that there is complete settlement of matrimonial dispute. The affidavit tendered today discloses that in terms of the consent terms, a decree of divorce by mutual consent has been passed by the Family Court and that the second respondent has received the said sum of Rs.2,30,000/- from the first petitioner.

5. The matrimonial dispute between the second respondent and the first petitioner led to registration of the first information report. Now there is a complete settlement of the matrimonial dispute. Hence, the continuation of criminal proceedings would cause undue hardship and harassment to the first applicant and the second respondent. Hence, this is a fit case to exercise the powers under

Section 482 of the Cr.P.C.

6. We, accordingly pass the following order :-

a). Criminal Application is made absolute in terms of prayer clause (a), which reads as under :-

“(a). This Honorable Court be pleased to exercise its inherent power under section 482 of the Cr.P.C. and be pleased to Quash proceeding bearing C.C. No.3416/PW/2014 (arising from F.I.R. No.39 of 2014 of Nirmal Nagar Police Station, Mumbai u/s 498(A), 406 & 34 of Indian Penal Code) PENDING BEFORE 32nd M.M. Court, Bandra, Mumbai”

2. The parties to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)

(A.S. OKA, J.)