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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3491 OF 2015

Dinesh K. Kulchandra

...Petitioner

V/s.

The State of Maharashtra & Anr.

...Respondents

Mr.Ashish Chavan for the Petitioner.

Ms.M.H. Mhatre, A.P.P. for the State - Respondent No.1.

Mr.Prasad Dhalwalkar for the Respondent No.2.

CORAM : A.S. OKA &

R.D. DHANUKA, JJ.

DATE : 7TH SEPTEMBER, 2016.

P.C. :-

1. Rule. Learned counsel appearing for the second respondent waives service. Learned A.P.P waives service for the first respondent. Forthwith taken up for final disposal.

2. The prayer in this petition under Article 226 of the Constitution of India is for quashing the First Information Report registered at the instance of the second respondent as well as the charge sheet filed on the basis of the said First Information Report for the offence punishable under section 498-A of the Indian Penal Code.

Perused the affidavit in reply filed by the second respondent. The second respondent is the wife of the petitioner. In the said affidavit, she has disclosed that the petitioner and the second respondent have a female child. In paragraph 2, it is stated that the petitioner and the second respondent are cohabiting together in the premises mentioned therein with effect from 13th July, 2013. In paragraph 3, it is stated that the petitioner and the second respondent are maintaining normal matrimonial relations. Today, both the petitioner and the second respondent are present. Through their learned counsel they state that from 13th July, 2013 till date, they continue to cohabit together and now there is no dispute between them. We accept the said statements.

3. The matrimonial dispute between the petitioner and the second respondent led to the registration of the First Information Report, which is the subject matter of challenge in this petition. Now there is a complete settlement of the matrimonial dispute and the husband and wife have resumed cohabitation. Therefore, the continuation of the criminal proceedings will cause undue hardship to both of them. Therefore, this is a fit case to exercise powers under Article 226 of the Constitution of India. Hence, we pass the following order :-

a). Criminal Case CC No.2500/PW/2012, pending before the

Additional Chief Metropolitan Magistrate Court, Borivali is hereby quashed.

4. All concerned to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)

(A.S. OKA, J.)