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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1043 OF 2016**

Mr. Saurabh Chandrashekhhar Wable and Ors.	... Applicants
Vs.	
The State of Maharashtra and Anr.	... Respondents

Ms. Bhakti Deshpande for the Applicants.
Ms. M.H. Mhatre, APP for the Respondent No.1.
Mr. Amol Joshi i/by Rane and Co. for the Respondent No.2.

**CORAM : A.S. OKA &
A.A. SAYED, JJ.**

DATE : 20th SEPTEMBER, 2016

PC.

. Not on board. Taken on board.

1 On the prayer made by the learned counsel appearing for the Applicants, we grant leave to amend for correcting inadvertent errors. Amendment to be carried out within a period of two weeks. Rule. The learned APP waives service for the first Respondent. The learned counsel appearing for the second Respondent waives service.

2 The prayer is for quashing the criminal proceedings for the offences punishable under Sections 498A, 406 read with Section 34 of the Indian Penal Code. The second Respondent is the first informant who is the wife of the first Applicant. The second and third Applicants

are the parents of the first Applicant. The prayer for quashing is based on settlement between the first Applicant and the second Respondent which is recorded in the form of consent terms dated 28th July, 2016 filed in Family Court Bombay at Bandra in Petition No. A – 2285 of 2013 filed by the first Applicant against the second Respondent. The learned counsel appearing for the Applicants and the second Respondent stated that compliance is made with all terms and conditions of the consent terms including clause 4 regarding deposit of amount of Rs.13 lakhs. The first Applicant and the second Respondent are present. Through their learned counsel they have undertaken to the Court not to withdraw their respective consent for grant of divorce under Section 13B of the Hindu Marriage Act, 1955 recorded in the said consent terms. We accept the said undertaking. Affidavit-in-reply is filed by the second Respondent in which she has accepted the correctness of the consent terms and has recorded no objection for quashing the criminal proceedings.

3 We have perused the consent terms. It provides for settlement of the entire matrimonial dispute between the first Applicant and the second Respondent. It provides for converting the pending petition into a Petition under Section 13B of the Hindu Marriage Act, 1955 and grant of decree of divorce. All other compliances except withdrawal of the proceedings under the Domestic Violence Act have

been admittedly made.

4 Perusal of the FIR shows that registration thereof is an outcome of the matrimonial dispute. Now the matrimonial dispute has come to an end by virtue of the settlement arrived as recorded in the consent terms.

5 Therefore, this is a fit case to exercise powers under Section 482 of the Code of Criminal Procedure, 1973 in the light of the Judgment of the Apex Court in the case of Gian Singh Vs. State of Punjab¹. Accordingly, we pass the following order :-

ORDER

- (i) Proceedings of Criminal Case No.W/721/2016 (arising out of C.R. No.473 of 2013 registered on 25th October, 2013 with Dahisar Police Station, Mumbai) pending before the Court of the Metropolitan Magistrate, 26th Court, Borivali, Mumbai are hereby quashed and set aside;
- (ii) All concerned to act upon an authenticated copy of this order.

(A.A. SAYED, J)

(A.S. OKA, J)

1 (2012) 10 SCC 303