

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.929 OF 2015

Mr.Arvind Ram Kishor Pal ..Applicant
Versus
The State of Maharashtra & Anr. ..Respondents

Ms.Ayesha M. Pinto i/by Wesley Menezes for the Applicant.
Ms.M.J. Mhatre, APP for Respondent-State.

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

DATE : 25th JULY 2016

P.C. :

1. Heard learned counsel appearing for the applicant in and the learned counsel appearing for second respondent who was present in the morning session.

2. Rule.

3. Learned APP waives service for the first respondent. Forthwith taken up for final disposal. The prayer in this application under section 482 of Code of Criminal Procedure, 1973 is for quashing first information report bearing CR No.108 of 2015 registered with Trombay Police Station for the offences punishable under Section 354, 354(b), 504 and 506(2) of the Indian Penal

Code. The second respondent (First Informant) is the wife of applicant's real brother.

4. We have perused the first information report and statement of the second respondent on the basis of which first information report was registered. The second respondent stated that on 1st November 2013, she married to the brother of the applicant. However, her husband did not take her to matrimonial home. Ultimately on 17th January 2015, second respondent visited the matrimonial home when she was informed by her husband's father that he will ensure that she gets married with his son within a period of three months. On 24th April 2015, again she came back to the matrimonial home when the alleged incident took place involving the applicant. It is claimed by the second respondent that on 24th April 2015 she was accompanied by her sister Ms.Sadhna Negi to applicant's house. The allegation is at that time when the second respondent questioned her in-laws, the applicant shouted at her, held her hand and tried to remove her T-shirt. The allegation is that he inappropriately touched her sister.

5. The second respondent has filed an affidavit dated 07th July 2016 which is affirmed by her before the Assistant Registrar of this Court. A photo copy of the PAN card of the second respondent

is annexed to the affidavit and the Assistant Registrar of this Court before whom the affidavit is affirmed has recorded that he has verified the original PAN card. In the affidavit, the second respondent has stated that after registration of FIR, she has settled her dispute with her husband (Dr.Raj Kumar Pal). She has stated that the incident of 24th April 2015 and her conduct as on that day was due to emotional outbursts as she was not allowed to reside in her matrimonial home. She stated that she filed the complaint as the applicant attempted to prevent her from entering the residence of her husband. She stated that how she has reconciled and settled her dispute with the husband. She stated that due to emotional outbursts, she unnecessarily implicated the applicant. Ms.Sadhana Negi has also filed a seperate affidavit on 7th July 2016 which is affirmed before Assistant Registrar of this Court. A photo copy of the PAN card is annexed to the affidavit and the original of which has been verified by the Assistant Registrar. She also stated as to what transpired on 24th April 2015. Both of them have recorded their no objection for quashing the first information report.

6. It appears us to that at the relevant time, the second respondent had some dispute with her husband on the ground that she was not allowed to stay in matrimonial home. Now the second

respondent has stated that she has sorted out all her differences with her husband.

7. The incident on the basis of which the offence is registered has a direct connection with the matrimonial dispute of the second respondent with her husband. Now the matrimonial dispute is settled. Hence, this is a fit case to exercise the power under section 482 of the Code of Criminal Procedure, 1973 for quashing the first information report. The incident on the basis of which the offence is registered arises out of the dispute between the individuals. The dispute was mainly because of matrimonial discord between second respondent and her husband. Now in view of the settlement of the dispute, the continuation of the criminal case will not be in the interests of both the parties. Hence, the application must succeed and we pass following order.

ORDER

(i) Rule is made absolute in terms of prayer clauses (i) and (v) which reads thus :-

“(i) That this Hon'ble Court be pleased to quash and set aside the C.R.No.108/2015 registered with Trombay Police Station, Mumbai.

(v) That this Hon'ble Court be pleased to quash and set aside the Final Report No.01/2015

filed before the Learned 60th Kurla Metropolitan Magistrate Court, Mumbai, Maharashtra, by the officers of Trombay Police Station in Case No.1758/PW/2015.”

[A.A. SAYED, J.]

[ABHAY S. OKA, J.]