

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3117 OF 2016

Shrutika Deepak Gupta

@ Shrutiaka Agrawal

..... Petitioner

V/s

State of Maharashtra & Anr.

..... Respondents

Ms. Sushmita Nair i/b Ms. Manjula Rao for the Petitioner.

Mrs. S.V. Sonawane, APP for the Respondent No.1/State.

CORAM : A.S. OKA &

A.A. SAYED, JJ.

DATED : 10 OCTOBER 2016

ORDER:

1 Rule. The learned APP waives service for the first Respondent. Service of notice to the second Respondent is dispensed with. The Petitioner is the first informant at whose instance the First Information Report alleging commission of offences punishable under sections 498A, 506(2) of the Indian Penal Code was registered against the second Respondent. In a Petition No.A-2980 of 2014 filed by the Petitioner against the second Respondent in the Family Court at Mumbai, Consent Terms dated 16 August 2016 were filed before the Marriage Councilor which were duly signed by the Petitioner and the second Respondent.

2 The learned Counsel appearing for the Petitioner on instructions who is personally present in the Court states that all the terms and

conditions which are part of the said Consent Terms have been acted upon and in fact a decree of divorce by mutual consent under section 13B of the Hindu Marriage Act, 1955 has been passed by the Family Court at Mumbai. In the Petition, there is a specific statement made to that effect in paragraph 8 of the Petition. It is stated that a copy of the said decree is not yet available.

3 The statements made by the Petitioner who herself is the first Informant are accepted. It was the matrimonial dispute between the Petitioner and the second Respondent which led the registration of First Information Report. Now there is a complete settlement of the matrimonial dispute. Hence, continuation of criminal proceedings will cause prejudice to both the Petitioner and the second Respondent. Accordingly, the Petition must succeed and we pass following order:

ORDER

i) Rule is made absolute in terms of prayer clause (a) which reads thus:

“(a) The case bearing C.C.No.1276/PW/2015 in F.I.R. No.56/15 pending before the Hon'ble 11th Metropolitan Magistrate's Court at Kurla, Mumbai, be quashed as the same has been settled in terms of the Consent Terms dated 16th August, 2016.”

(A.A. SAYED, J.)

(A.S. OKA, J.)