

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1064 OF 2016

Yogesh Bharadwaj & Ors.

..... Applicants

V/s

State of Maharashtra & Ors.

..... Respondents

Mr. Prashant M. Patil for the Applicant.

Mr. K.V. Saste, APP for the Respondent No.1.

Mr. Hrishikesh Giri for the Respondent No.2.

CORAM : A.S. OKA &

A.A. SAYED, JJ.

DATED : 19 SEPTEMBER 2016

ORDER:

1 Rule. The learned APP waives service for the first Respondent. The learned Counsel appearing for the second Respondent waives service. Forthwith taken up for final hearing.

2 The first informant is the second Respondent. The prayer is for quashing First Information Report for the offences punishable under sections 452, 323, 504, 506(2), 427 read with section 34 of the Indian Penal Code. The first Applicant is the father-in-law of the brother of the second Respondent. The second and third Applicants are members of the family of the first Applicant. We have perused the statement of the second Respondent on the basis of which the First Information Report

has been registered. It appears that there was a matrimonial dispute between Vipul, the brother of the first Informant (second Respondent) and his wife Tamanna (first Applicant's daughter). Today, the second Respondent has filed an Affidavit relying upon Memorandum of Understanding dated 16 September 2016 executed between the said Vipul and his wife Tamanna. A copy of the Memorandum is produced for perusal of the Court. The learned Counsel appearing for the Applicants and the learned Counsel appearing for the second Respondent on instructions state that the said Vipul as well as said Tamanna have signed the said Memorandum.

3 We have perused the said Memorandum. The Memorandum records the settlement of the matrimonial dispute between the second Respondent's brother and his wife. As stated earlier, the first Applicant is the father of the wife. In terms of the said Memorandum, second Respondent's brother and wife have agreed to dissolve the marriage by mutual consent. As per clause (a) of paragraph 3 of the Memorandum of Understanding, today a Demand Draft of Rs.3,00,000/- is handed over to the Advocate for the Applicants who has received it on behalf of the first Applicant as well as on behalf of the daughter of the first Applicant.

4 Perusal of the statement of the second Respondent on the basis of which the First Information Report was registered shows that essentially

due to the matrimonial dispute between the second Respondent's brother and the brother's wife led to the registration of the same. Now the Memorandum of Understanding witnesses complete settlement of the matrimonial dispute.

5 Hence, this is a fit case to exercise the power of this Court under section 482 of the Code of Criminal Procedure, 1973. If the criminal proceedings are continued, it will adversely affect the settlement of matrimonial dispute as per the Memorandum of Understanding.

6 Accordingly, the Criminal Application succeed, we pass following order:

ORDER

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

“(a) That this Hon'ble Court may pass appropriate orders/writ/ directions and quash and set aside all the proceedings arising out of and the FIR bearing C.R. No.377/2016 Registered with Wakad Police Station District Pune.”

ii) All concerned to act upon an authenticated copy of this order.

(A.A. SAYED, J.)

(A.S. OKA, J.)