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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.987 OF 2015**

Mr. Pratap Pandurang Mahadik and Anr.	... Applicants
Vs.	
The State of Maharashtra and Anr.	... Respondents

Mr. Daljeet Singh Lall for the Applicants.
Mrs. M.H. Mhatre, APP for the Respondent No.1 – State.
Mrs. Priyanka Pratap Mahadik for the Respondent No.2 in person.
Mr. Umaji E. Kale, PSI (Kolsewadi Police Station), Kalyan (E).

**CORAM : A.S. OKA &
P. D. NAIK, JJ.**

DATE : 11th APRIL, 2016

PC.

1 When this application at Sr. No.47 was called out earlier today, the learned counsel appearing for the Applicants pointed out that the second Respondent was personally present who stated before the Court that in view of the consent decree passed in Petition No. A-1512 of 2014 by the Family Court, she has no objection for quashing the proceedings of the pending criminal complaint. Shri Umaji Kale, Investigating Officer who is personally present in the Court identified the second Respondent who was present in the Court. The application was kept back to enable the second Respondent to file a formal affidavit in terms of the statements made by her. Earlier when the application

was called out she stated that she has no objection for quashing the proceedings of the complaint in the light of the decree passed by the Family Court in Petition No.A-1512 of 2014. Now, the second Respondent has tendered an affidavit in which she has stated that in view of the amicable settlement, she has no objection for quashing the proceedings of the complaint.

2 Hence, we have forthwith taken up the application for final hearing. We have perused the consent terms which are part of the consent decree passed by the learned Judge of the Family Court No.5 at Mumbai on 28th May, 2015. After compliance with the terms and conditions of the consent terms, the Family Court has passed a decree in terms of the consent terms. Clause 5 of the consent terms which are part of the consent decree reads thus :-

“5. In view of the above settlement petitioner has agreed not to proceed with 498A case bearing FIR No.I-58/14, which is pending before Hon'ble J.M.F.C. Court Kalyan.”

3 In the affidavit of the second Respondent, it is stated that Regular Criminal Case No.668 of 2014 which is the subject matter of this application arises out of the FIR No.I-58/14 registered at her instance.

4 Perusal of the allegations made by the second Respondent in the FIR show that the matrimonial dispute between the first

Applicant and the second Respondent led to registration of the FIR. Now, there is a complete settlement in the matrimonial dispute and, therefore, no purpose will be served by continuing the criminal proceedings. In fact, continuing the criminal proceedings will cause undue hardship to the Applicant and the second Respondent and therefore, as held by the Apex Court in the case of Gian Singh Vs. State Bank of Punjab¹, this is a fit case to exercise powers under Section 482 of the Criminal Procedure Code, 1973. Accordingly, we pass the following order :-

ORDER

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

“(a) for a writ or an order in the nature of a writ calling for records and proceedings of Reg. Cri. Case No.668/2014 in FIR No.I-58/14 registered with Kolsewadi Police Station, Kalyan pending before the J.M.F.C. 2nd Court at Kalyan as on date and after perusal of the same quash and set aside the entire proceedings as amicably settled between the Petitioners and Respondent No.2.”

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

(P. D. NAIK, J)

(A.S. OKA, J)

1 (2012) 10 SCC 303