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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.3242 OF 2016**

Mr. Manoj Bhagwat Sharma and Ors. ... Petitioners

Vs.

The State of Maharashtra and Anr. ... Respondents

Mr. Sagar Bataria i/by Mr. Angad Giri for the Petitioners.

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

Mr. Sachin Vitthal Talekar for the Respondent Nos.2.

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

DATE : 14th OCTOBER, 2016

PC.

1. Rule. The learned APP waives service for the first Respondent. The learned counsel appearing for the second Respondent waives service.

2 Forthwith taken up for final disposal. Prayer in this Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 is for quashing the First Information Report registered at the instance of the second Respondent

for the offences punishable under Section 498(A), 406, 506(II), 323 and 504 read with Section 34 of the Indian Penal Code. The first Petitioner and the second Respondent were husband and wife. In Petition No.A-1575 of 2015 filed by the first Petitioner against the second Respondent in the Family Court at Bandra, Mumbai. The consent terms dated 2nd September, 2016 were signed by the first Petitioner and the second Respondent before the Marriage Counsellor of the Family Court in the said Petition. Today, the second Respondent has filed an affidavit recording her no objection for quashing the FIR. The affidavit records that in terms of consent terms dated 2nd September, 2016 the Family Court on the very day has passed a decree of divorce under Section 13-B of the Hindu Marriage Act, 1955 thereby dissolving the marriage between the first Petitioner and the second Respondent. Thus, the matrimonial dispute has come to an end by a compromise.

3 Hence, continuation of criminal proceedings filed on the basis of matrimonial dispute will cause undue harassment to the first Petitioner and the second Respondent.

4 Hence, this is a fit case to exercise powers under Section 482 of the Code of Criminal Procedure, 1973. Accordingly, we pass the following order :-

ORDER

(i) Rule is made absolute in following terms :-

“FIR No.380/2015 dated 1st July, 2015 for the offences under Sec. 498(A), 406, 323, 504 r/w. Sec.34 of I.P.C registered against the petitioners with the MIDC Police Station, Mumbai is 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)