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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3000 OF OF 2015

Mr. Boban Idiculla and ors.

.. Petitioners

Vs.

1. The State of Maharashtra and anr.

.. Respondents

WITH
CRIMINAL WRIT PETITION NO. 3758 OF 2015

Mr. Jason Boban Idiculla

.. Petitioner

Vs.

1. The State of Maharashtra and anr.

.. Respondents

Ms. Rajlaxmi Punjabi i/by Krupali H. Rajani for petitioners.

Mrs. S. V. Sonavane, APP for State.

Ms. Yamini Sharma for respondent no.2.

CORAM: NARESH H. PATIL &
M. S. KARNIK, JJ.

DECEMBER 16, 2016.

P.C.

1. Rule, returnable forthwith. Heard finally by consent of the parties.

2. The petitioners-accused in FIR No. 128 of 2015 registered with Malad Police Station, Mumbai dated 11/3/2015 for offences punishable under Sections 498-A, 377, 323, 504, 506, 406 read with Section 34 of the Indian Penal Code approached this court for getting the FIR quashed and set aside.

3. The respondent no.2 – complainant was married with petitioner – Mr. Jason Boban Idiculla on 5/12/2012 at Bandra, Mumbai in the office of Sub Registrar and on 15/12/2012 at St. Anthony's Church, Malwani, Malad, Mumbai according to Christian Rites and Rituals. It is submitted that after marriage, initially they started residing in Bahrain along with the parents. Some dispute arose between the couple. Thereafter complainant left Bahrain and started residing in India.

4. Learned counsel submit that the parties have obtained divorce by mutual consent on 6//12/2016. It is submitted that pursuant to the terms settled between the parties, petitioner – Jason Boban Idiculla is to pay Rs.15 lakhs to the complainant, out of which Rs.3 lakhs has been directly paid to her. An amount of Rs.12 lakhs is deposited with the Family Court, Mumbai, which the complainant would be withdrawing after getting the

subject FIR quashed and set aside by this court.

5. The complainant and the petitioner – Jason Boban Idiculla are present in the court. They are identified by their respective counsel. It is stated that other accused persons being old and resident of Bahrain are unable to attend the court. Complainant, who is present in court, states that she does not wish to prosecute the subject FIR and the same be quashed.

6. Learned counsel appearing for the parties have placed before us the photo-state copy of the consent terms, which is taken on record and marked “X” for identification. It is submitted that the original consent term deed had been filed before the Family Court, Mumbai. Learned counsel for the parties submit that the charge-sheet has not been filed so far.

7. We have perused the record, considered the submissions advanced. We find that this is a fit case to allow the parties to get their dispute settled by getting subject FIR quashed and set aside. The parties desire to leave peacefully. They already got separated under a decree of divorce granted by the Family Court, Mumbai.

8. Hence, we pass following order :

- (a) Both the petitions are allowed and the FIR No. 128 of 2015 registered with Malad Police Station, Mumbai, dated 11/3/2015 for offences punishable under Sections 498-A, 377, 323, 504, 506, 406 read with Section 34 of the Indian Penal Code is hereby quashed and set aside.

9. Rule is made absolute in the above terms.

(M. S. KARNIK, J.)

(NARESH H. PATIL,J.)