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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1126 OF 2016**

Mr. Atul Dnyanesh Talekar and Ors.	... Applicants
Vs.	
Mrs. Sonal Atul Talekar and Anr.	... Respondents

Mr. Meghashyam K. Kocharekar for the Applicants.
Mr. Omkar Nagvekar for the Respondent No.1.
Dr. F.R. Shaikh, APP for the Respondent No.2.

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

DATE : 29th SEPTEMBER, 2016

PC.

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

2 The first Applicant and the first Respondent are husband and wife. The second to fourth Applicants are members of the family of the first Applicant. Prayer in this application under Section 482 of the Code of Criminal Procedure is for quashing the FIR registered at the instance of the first Respondent for the offences punishable under Sections 498(A), 406 read with Section 34 of the Indian Penal Code.

3 In a Petition being Petition No.A-596 of 2015 filed by the first Applicant against the first Respondent in the Family Court at Bandra, Mumbai, the parties have arrived at settlement which has been recorded in consent terms dated 25th August, 2016 signed before the Marriage Counsellor of the Family Court. As provided in the consent terms, a sum of Rs.5 Lakhs has been deposited by the first Applicant with the Family Court. The first Respondent has filed an affidavit reiterating the correctness of the settlement dated 25th August, 2016 and recording her consent for quashing the criminal proceedings. The learned counsel pointed out that the pending Petition in the Family Court has been converted into a Petition under Section 13-B of the Hindu Marriage Act, 1955. The first Applicant and the Second Respondent are present in the Court. Through their respective learned counsel, they undertake to the Court not to withdraw their respective consent for taking divorce under Section 13-B of the Hindu Marriage Act. The undertakings are accepted.

4 The matrimonial dispute between the first Applicant and the first Respondent was the root cause of registration of the FIR. Now in view of a complete settlement of the matrimonial dispute, in the light of the law laid down by the Apex Court in the case of Gian Singh Vs. State Bank of Punjab¹, this is a fit case to exercise power under Section

1 (2012) 10 SCC 303

482 of the Code of Criminal Procedure for quashing the criminal proceedings. Accordingly, we pass the following order:-

ORDER

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

(b) This Hon'ble Court be pleased to quash and set aside the impugned proceeding being C.C. No.743/PW/2016 pending before the Ld. Metropolitan Magistrate, 50th Court, Vikhroli, Mumbai.”

(ii) Parties to act upon an authenticated copy of this order.

(A.A. SAYED, J)

(A.S. OKA, J)