

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL WRIT PETITION NO.3372 OF 2016

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Nitin Raghunandan Anand & ors.	...Petitioners
v/s.	
The State of Maharashtra & ors.	...Respondents

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Mr.Chaitanya A.Malgaonkar i/b GMS Legal for the Petitioners.
 Ms.M.H.Mhatre, APP for the Respondents Nos.1 & 2.
 Mr.Dharmesh Shah for the Respondent No.3.

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

DATED : 28 SEPTEMBER 2016

P.C.:

(Not on Board. Taken on Board.)

Rule. Learned APP waives service for the first and second Respondents. Learned Counsel appearing for the third Respondent waives service. Forthwith taken up for final disposal.

2. The first Petitioner and the third Respondent are husband and wife. The prayer in this Petition is for quashing the First Information Report registered for the offences punishable under sections 498-A, 406, 323,504, 506 read with section 34 of the Indian Penal Code.

3. The parties are relying upon the settlement agreement dated 13 September 2016, a copy of which is annexed at page 31 onwards to the Petition. The settlement agreement has been signed by the husband and

the wife as well as by the second and third Petitioners. Learned Counsel appearing for the Petitioners and the learned Counsel for the third Respondent state that on the basis of the settlement, even a Petition under section 13(B) of the Hindu Marriage Act, 1955 has been filed at Family Court at Bandra, Mumbai. The first Petitioner and the third Respondent are personally present in the Court. Through their respective learned Counsel, they undertake the Court not to withdraw their respective consent before the Family Court in the Petition filed under section 13(B) of the Hindu Marriage Act, 1955.

4. The third Respondent has filed an affidavit accepting the correctness of the settlement agreement dated 13 September 2016 and recording her consent for quashing the First Information Report.

5. The root cause of the criminal proceedings was the matrimonial dispute. Now that matrimonial dispute has come to an end, the continuation of the criminal proceedings will cause undue hardship to the Petitioners and the third Respondent. Hence, in the light of the law laid down by the Apex Court in the case of **Gian Singh v/s. State of Punjab and anr.**¹ this is a fit case to exercise the power under section 482 of the Code of Criminal Procedure, 1973.

¹ (2012) 10 SCC 303

6. Accordingly, we pass the following order:

Rule is made absolute in terms of prayer clause (d), which reads thus:

“(d) That after going through the records and proceedings in C.R.No.126 of 2016 registered with Tilak Nagar Police Station, Mumbai, this Honourable Court be pleased to issue a writ of mandamus or any other appropriate writ, order or direction quashing the said First Information Report bearing CR No.126 of 2016 filed in the Tilak Nagar Police Station u/s 498-A, 406, 323, 324, 504, 506 r/w section 34 of the Indian Penal Code, 1860, as regards the Petitioners in view of the compromise entered between the parties;”

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

(A.A. SAYED, J.)

(A.S.OKA, J.)