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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELATE JURISDICTION
CRIMINAL APPLICATION NO.1295 OF 2016

Adik Anil Torne ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr.Ravindra Sankpal for the applicant
Ms M.H.Mhatra, APP for the respondent No.1

CORAM : A.S.OKA, &
A.A.SAYED, JJ.
DATE : OCTOBER 26, 2016

ORAL JUDGMENT : (PER A.S.OKA,J.)

. Not on board. Taken on board.

1 Rule. The learned APP waives service for respondent. Forthwith taken up for final hearing.

2 The prayer in this application is for quashing the criminal proceedings on the basis of the FIR registered at the instance of the applicant. The prayer is for quashing the FIR alleging commission of offences punishable under sections 324, 504 read with section 34 of the Indian Penal Code. The persons who are shown as accused are the brother of the applicant's wife and a friend of the brother of the applicant's wife.

3 Our attention is invited to the consent terms in Petition No.A-48/2015 filed in the Family Court at Bandra, Mumbai. The consent terms have been

filed in a petition filed by the present applicant against his wife. The consent terms were signed by the applicant and his wife on 5th May 2016 before the Marriage Counsellor of the Family Court, a copy of which is annexed as Exhibit-D.

4 Overall settlement of the matrimonial dispute has been recorded in the consent terms. Clause (6) of the consent terms (Exhibit-D to application) provides that the applicant shall withdraw the criminal proceedings subject matter of this application.

5 Perusal of the FIR shows that the same has a direct connection with the matrimonial dispute between the applicant and his wife. Now, the dispute has been settled. Continuation of criminal proceedings will cause undue harassment to both the parties. Hence, this is a fit case to exercise power under section 482 of the Code of Criminal Procedure, 1973.

6 Accordingly, we pass the following order:

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

"(a) That this Hon'ble Court be pleased to quash FIR No.155 of 2012, registered on 15.12.2012 by Aarey Police Station and consequently dismiss the Criminal Complaint No.146/PW/2013 pending before the Metropolitan Magistrate Court at Borivali"

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

(A.A.SAYED,J.)

(A.S.OKA,J.)