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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELATE JURISDICTION
WRIT PETITION NO.3582 OF 2016

1 Ashok Bhoju Poojary
2 Mr.Bhoju M. Poojary
3 Mrs.Girija Bhoju Poojary
4 Mrs.Pramila Suresh Poojary
5 Mrs.Pratima Kishor Salian ...Petitioners
vs.
State of Maharashtra & Ors. ...Respondents

Ms Rashmi M. Gawade for the Petitioners
Ms M.H.Mhatre, APP for the respondent No.1
Mr.P.L.Rathod for respondent No.2

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 Heard the learned counsel for the petitioners.
Rule. The learned APP waives service for the first
respondent. The learned counsel for the second
respondent waives service. Forthwith taken up for
final hearing.

2 The learned counsel for the parties state that
the first petitioner and the second respondent who
are husband and wife are personally present in the
Court. The prayer is for quashing the FIR
registered at the instance of the second respondent
for the offence punishable under sections 498-A,
406, 504, 506 read with section 34 of the Indian
Penal Code.

3 Our attention is invited to the Memorandum of Understanding dated 26th September 2016, a copy of which is annexed as Exhibit-L to the petition. The learned counsel for the petitioner states that the said Memorandum of Understanding has been signed by the first petitioner and the second respondent. In the Memorandum of Understanding they have recorded that they have agreed to stay together along with their child Kanishka. The Application filed under the Domestic Violence Act by the second respondent has been withdrawn as noted in the said Memorandum. Today, an affidavit of the second respondent is tendered in which she has stated that she is staying with the first petitioner along with her daughter.

4 The memorandum as well as the affidavit of the second respondent indicate that the first petitioner and the second respondent have reconciled and have started staying together as husband and wife. In view of the settlement of the matrimonial dispute, continuation of the criminal proceedings will cause undue harassment to the first petitioner and the second respondent. Therefore, by exercising the power under section 482 of the Code of Criminal Procedure, 1973, the proceedings will have to be quashed and set aside.

5 Accordingly, we pass the following order:

(I) The criminal case No.1711/PW/2016 pending

in the Court of the learned Metropolitan Magistrate, 66th Court, Andheri arising out of FIR No.484 of 2014 registered at the instance of the second respondent at Sakinaka Police Station, Mumbai is hereby quashed and set aside;

(II) Rule is made absolute on above terms;

(III) All concerned to act upon an authenticated copy of this Judgment and Order.

(A.A.SAYED, J.)

(A.S.OKA, J.)