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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.4261 OF 2014

Rohan Kishor Raut & Ors. ...Petitioners
vs.
Mrs.Shraddha Rohan Raut & Anr. ...Respondents

Mr.Pawan Mali for the Petitioners
Mr.P.C.Mohite for the respondent No.1
Dr.F.R.Shaikh, APP for respondent No.2

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

P.C.:

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

2 The first petitioner and the first respondent are the husband and wife. The prayer in this petition under Article 226 of the Constitution of India read with section 482 of the Code of Criminal Procedure, 1973 is for quashing the FIR registered at the instance of the first respondent for the offence punishable under sections 498-A, 406, 504, 506(II) read with section 34 of the Indian Penal Code as well as under sections 3 and 4 of the Dowry Prohibition Act, 1961.

3 A settlement was arrived at between the first

petitioner and the first respondent in an application for anticipatory bail filed in the Sessions Court. A copy of the consent terms filed in the said proceedings is annexed as Exhibit-B to the petition. There is a reply filed by the first respondent in which she has stated that compromise was effected before the Mediator at the time of hearing of the application for anticipatory bail. He stated that on the basis of the consent terms signed before the learned Mediator during the pendency of the anticipatory bail application, the Family Court passed a decree of divorce by mutual consent. The learned counsel for the first respondent states that the amount to be paid to the first respondent as per the compromise has been already paid. We accept the statement.

4 The FIR was the outcome of the matrimonial dispute between the parties. Now, there is a complete settlement of the matrimonial dispute. Therefore, continuation of the criminal proceedings will cause undue harassment to the parties.

5 Hence, we dispose of the writ petition by passing the following order:

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

“(a) This Hon'ble Court by invoking writ jurisdiction under Article 226 of the Constitution of India, issue appropriate writ,

order or direction and the impugned FIR dated 21.10.2013 registered with Mahim Police Station vide C.R.No.497/2013 for an offence under section 498(A), 406, 504, 506 (II) read with section 34 of the Indian Penal Code as well as sections 3 and 4 of the Dowry Prohibition Act may be quashed and set aside."

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

(A.A.SAYED,J.)

(A.S.OKA,J.)