

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELATE JURISDICTION  
CRIMINAL APPLICATION NO.1266 OF 2016

Mr.Aslam S. Shaikh for the applicants  
Ms M.H.Mhatre, APP for the respondent Nos.1 and 2  
Mr.Yunus Memon i/b N. Y. Memon for respondent No.3

2        The first applicant and the third respondent are husband and wife. The prayer in this application under section 482 of the Code of Criminal Procedure, 1973 is for quashing the FIR registered at the instance of the third respondent-wife for offences punishable under sections 498-A, 323, 324, 504, 506(2), 406, 307 read with section 34 of the Indian Penal Code and under sections 3 and 4 of Dowry Prohibition Act, 1961. The prayer for quashing is made on the basis of the settlement arrived at between the parties in Petition No.A-1119/2014 filed

in the Family Court at Bandra, Mumbai. In the said petition filed by the third respondent against the first petitioner, the consent terms dated 24th August 2016 were signed by the first petitioner and third respondent before the Marriage Counsellor. In terms of the consent terms, the first applicant has deposited a sum of Rs.5,25,000/- with the Family Court at Bandra, Mumbai.

2 The third respondent has filed an affidavit recording her consent for quashing the FIR in the light of the settlement incorporated in the consent terms dated 24th August 2016. The first applicant and the third respondent are personally present in the Court. They undertake to the Court to abide by the terms and conditions incorporated in the consent terms dated 24th August 2016. Undertaking is accepted.

3 In view of the settlement recorded in the consent terms, continuation of the criminal proceedings will cause undue harassment to the first applicant and the third respondent. Hence, this is a fit case to exercise power under section 482 of the Code of Criminal Procedure, 1973.

4 Accordingly, we pass the following order:

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

“(B) That this Hon'ble Court may be pleased

to quash and set aside F.I.R.No.71 of 2014 registered with Bangur Nagar Police Station, Mumbai u/s 498-A, 323, 324, 504, 506(2), 406, 307 read with section 34 of the Indian Penal Code and u/s 3 and 4 of the Dowry Prohibition Act,1961 against the applicants filed at the instance of the Respondent No.3, on such terms and conditions as this Hon'ble Court may deem fit and proper."

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

(A.A.SAYED,J.)

(A.S.OKA,J.)