

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 1244 OF 2015**

Mrs.Mehjabeen Nazeer Wasta & AnrApplicants

versus

The State of Maharashtra and Ors.Respondents

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Mr.Omkar Gupte i/b. M/s.G.P.Law & Associates for the Applicants.

Mrs.M.H.Mhatre, A.P.P. for Respondent nos. 1 and 2.

Mr.Niketan Nakhawa i/b. Mr.Satish Shinde for Respondent no.3.

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CORAM : A.S.OKA AND P.D.NAIK, JJ.

DATE : 3rd May, 2016.

P.C.:

. Not on board. Taken on board.

2. Heard learned Counsel appearing for the applicant. Rule. Learned APP waives service for the first and second respondents. Learned Counsel for the third respondent waives service. The application is forthwith taken up for final disposal. Prayer in this application under Section 482 of the Code of Criminal Procedure, 1973 (for short "CrPC") is for quashing FIR and the case pending in the Court of J.M.F.C. Vashi at CBD Belapur, Navi Mumbai.

3. The applicants are the in-laws of the third respondent. Today the learned Counsel appearing for the applicants and the third respondent

have tendered consent terms. Learned Counsel state that the consent terms are signed by applicants and third respondent who are personally present in the Court. To the consent terms, a deed of divorce dated 12th March 2016 by and between the third respondent and son of the applicant has been annexed. In the consent terms, the third respondent has recorded no objection for quashing the Criminal proceedings against her husband as well as present applicants in view of over all settlement.

4. The learned Counsel appearing for the third respondent on instruction of the third respondent states that there is a complete settlement between third respondent and her husband. There is also complete settlement between applicants and third respondent as reflected from the consent terms. The disputes between third respondent and her husband have been resolved by divorce settlement agreement annexed to the consent term.

5. Learned Counsel appearing for the third respondent reiterates that third respondent has no objection for allowing this application. We have perused the FIR and the Charge-sheet. The root cause for registration of FIR was the matrimonial dispute between third respondent and her husband. Now the dispute has been completely settled. The issues between the applicants and the third respondent have been sorted out as seen from the consent terms tendered on record. Consent terms are tendered on record and marked 'X-1' for identification. In view of the aforesaid facts, in the light of decision of the Apex Court in the case of ***Gian Singh versus State of Punjab and another***¹ a case is made out for exercising the under section 482 of the CrPC.

¹ (2012)10 SCC 303

Accordingly, we pass the following order:

- (a) Rule is made absolute in terms of prayer clause (a) and (b) which read thus:

“(a) this Hon'ble Court be pleased to quash and/or set aside FIR bearing No. I-27 of 2015 against the Applicants for committing the alleged offences under Sections 498(A), 406, 323, 504 read with Section 34 of the Indian Penal Code, 1860;

(b) this Hon'ble Court be pleased to quash and/or dismiss Criminal Case No. R-1036 of 2015 pending before the Hon'ble court of J.M.F.C. Vashi at CBD Belapur, Navi Mumbai;”

- (b) All concerned to act on an authenticated copy of this order.

(P.D.NAIK, J.)

(A. S. OKA, J.)