

BDPPS

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**WRIT PETITION NO. 4033 OF 2016**

Shri Sudhir Vithal Medhekar & Others ..... Petitioners.

V/s

The State of Maharashtra  
(Through the Police Inspector,  
Powai Police Station, Mumbai)  
and Anr. .... Respondents.

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Mr. Sachin R. Pawar for the Petitioners.  
Mrs. M.H. Mhatre, APP for Respondent No.1.  
Mr. Pavan Patil for Respondent No.2.

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**CORAM: V. M. KANADE &  
MS. NUTAN D. SARDESSAI, JJ.**

**DATE: 28<sup>th</sup> November, 2016**

**P.C.:-**

1. Mentioned, not on board. Upon Mentioning, taken on board.
2. Petitioners have filed this Petition for quashing the complaint filed by Respondent No.2 for the offences punishable under sections 498A and other sections of the Indian Penal Code.
2. Parties have amicably settled the dispute. Both the parties are present in court. Respondent No.2/wife has no objection if the

complaint is quashed. Since Respondent No.2/wife has come from Amravati and she is not in a position to stay back, today we are inclined to take up this matter for final disposal at this stage itself.

2. Parties have filed Consent Terms in the Family Court and in the Consent Terms Respondent No.2/wife has given an undertaking that she will not take any objection if the complaint under section 498A and other sections of the Indian Penal Code is quashed.

3. In our view, ratio of the Judgment of the Apex Court in *B.S. Joshi vs. State of Haryana*<sup>1</sup> is squarely applicable to the facts of the present case. Quashing of the complaint, in our view, is in the best interest of Respondent No.2/wife as also in the interest of parents of both the parties and Petitioner No.1/husband.

4. Taking into consideration all these facts, Writ Petition is allowed in terms of prayer clause (b).

5. Writ Petition is accordingly disposed of in the aforesaid terms.

**(MS. NUTAN D. SARDESSAI, J. )**

**(V.M. KANADE, J.)**

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<sup>1</sup> (2003) 4 SCC 675