

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO.1283 OF 2014

Mrs. Anisha Anand. .. Applicant.
Vs
The State of Maharashtra and Others. .. Respondents
—
Ms. Shaheen Ansari i/b Shri Shoaib I. Menon for the Applicant.
Mrs. M.H. Mhatre, APP for the Respondent Nos.1 and 2.
—

CORAM : A.S. OKA & P. D. NAIK, JJ
DATED : 22ND MARCH 2016

PC.

1. Heard learned counsel appearing for the Applicant and the learned APP for the first and second Respondents. Rule. The learned APP waives service. Forthwith taken up for final hearing.

2. The prayer in this Application under Section 482 of the Code of Criminal Procedure, 1973 is for quashing the First Information Report registered at the instance of the Applicant with Versova Police Station, Mumbai, for the offence punishable under Sections 498(A) and 406 of the Indian Penal Code. The third Respondent is the husband of the Applicant.

3. Our attention is invited to the consent terms filed in the Petition No.A-246 of 2011 by the Applicant and the third Respondent before the Family Court at Mumbai. We have perused the said consent terms. The consent terms record the settlement of all the subsisting disputes between the Applicant and the third Respondent. There is a specific clause being Clause (I) in the said consent terms which provides that the Applicant shall co-operate with the third Respondent for quashing of the First Information Report subject matter of this Application.

4. The learned counsel appearing for the Applicant on instructions states that there is a complete settlement between the Applicant and the third Respondent.

5. After having perused the consent terms, we are of the view that there is an overall settlement between the Applicant and the third Respondent. Perusal of the First Information Report shows that the matrimonial dispute between the Applicant and the third Respondent was the cause of the registration of the First Information Report. In view of the complete settlement of the matrimonial dispute, now no purpose would be served by proceeding with the criminal prosecution. On the contrary, continuation of criminal proceedings will cause prejudice to both the contesting parties.

6. In view of the law laid down by the Apex Court in the case of *Gian Singh v. State of Punjab and Another*¹ this is a fit case to exercise the power under Section 482 of the Code of Criminal Procedure, 1973.

7. Accordingly, we pass the following order.

ORDER :

(a) Rule is made absolute in terms of prayer clause (c)

which reads thus:

“This Hon'ble Court be pleased to quash Case No.135/PW/2011 of Versova Police Station u/s 498(A), 406, IPC arising out of C.R. No.45 of 2011 on such terms and conditions as this Honourable Court may deem fit and proper.”

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

(P. D. NAIK, J)

(A.S. OKA, J)

¹ (2012)10 SCC 303