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

CRIMINAL WRIT PETITION NO.4720 OF 2015

Shri. Pravin Shivaji Satpute & Ors. ... Petitioners
Vs.
The State of Maharashtra and Anr. ... Respondents

Mr. Sachin Keru Hande for the Petitioners.
Mrs. M.H. Mhatre, APP for the Respondent No.1.
Mr. Sameer Bhandari for the Respondent No.2.

**CORAM : A.S. OKA &
A.A. SAYED, JJ.**

DATE : 22nd AUGUST, 2016

PC.

. **Not on board. Taken on board.**

1 Heard the learned counsel appearing for the Petitioners.
Rule. The learned counsel appearing for the Respondent No.2 waives service. The learned APP appearing for the Respondent No.1 waives service. Forthwith taken up for final disposal.

2 Prayer in this Petition under Article 226 of the Constitution of India is for quashing the FIR lodged at the instance of the second Respondent for the offences punishable under Sections 498A, 406 read with Section 34 of the Indian Penal Code.

3 The first Petitioner and the second Respondent were husband and wife. It appears that in proceedings pending before the learned Metropolitan Magistrate's Court at Vikroli, settlement was arrived at between the first Petitioner and the second Respondent in mediation. In terms of the settlement, by Judgment dated 4th December, 2015 a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955 has been made by the Family Court at Bandra in Petition No.A-1004 of 2015. There is a reply filed by the second Respondent stating that in view of a complete settlement of the matrimonial dispute, she has no objection for quashing the FIR.

4 Perusal of the judgment dated 4th December, 2015 by which the decree of divorce by mutual consent was granted records that all the disputes have been settled. There is no subsisting dispute between the husband and wife. Therefore, as held by the Apex Court in the case of Gian Singh Vs. State of Punjab¹, this is a fit case to exercise powers under Section 482 of the Criminal Procedure Code, 1973. Accordingly, we pass the following order :-

ORDER

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

1 (2012) 10 SCC 303

- (a) that this Hon'ble Court may pass appropriate orders/writ/directions and quash and set aside all the proceedings arising out of and the FIR bearing No.160 of 2013, registered with the registered with the Chunabhatti Police Station, Mumbai.”
- (ii) All concerned to act upon an authenticated copy of this order.

(A.A. SAYED, J)

(A.S. OKA, J)