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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4883 OF 2015

Sachin Raman Shingote and Ors.

..Petitioners.

V/s.

The State of Maharashtra and Ors.

..Respondents.

Mr.Pradyumna K. Waghmare for the petitioners.

Mr.K.V.Saste, APP for the respondent-State.

Mr.S.G.Shirsat for the respondent No.2.

**CORAM : NARESH H.PATIL AND
A.M.BADAR, JJ.**

DATED : 2ND MAY, 2016

P.C. :-

1. Petitioners / accused in crime No.348/2015 for offences punishable under section 498(A), 406, 506 read with 34 of the Indian Penal Code registered with Ghatkopar police station, Mumbai at the instance of respondent No.2 / informant Mrs.Pritam Sachine Shingote, are praying for quashing and setting aside the said F.I.R.

2. Heard the learned counsel appearing for the

petitioners as well as respondent No.2. They unanimously argued that the offence arose out of a matrimonial dispute and in order to restore harmony and peace, the parties have resolved the to settle the matter and, therefore, the F.I.R. needs to be quashed and set aside. Our attention is drawn to the affidavit filed by respondent No.2 / informant Pritam Sachin Shingote. It is stated therein by the informant that she and petitioner No.1 / husband had entered into an amicable settlement and resolved the matrimonial dispute and they have decided to separate. It is stated on affidavit by respondent No.2 / informant that she and petitioner No.1 have filed a petition for divorce by mutual consent and petitioner No.1 has deposited an amount of Rs.16.50 lacs towards full and final settlement as permanent alimony. Respondent No.2 Pritam Sachin Shingote is present before the Court and she is duly identified by her counsel. Upon being asked, she states that does not want to prosecute the F.I.R. lodged by her against petitioners, who are husband and in-laws. She states that the F.I.R. may be kindly quashed.

3. We have also heard learned APP appearing for the State.

4. Perusal of the F.I.R. lodged by respondent No.2 Pritam Sachin Shingote goes to show that the dispute in question is a matrimonial dispute. No public law element is involved. As the parties have settled the matrimonial dispute, the chances of conviction are Nil. Hence in order to prevent abuse of process of the Court, the F.I.R. needs to be quashed and set aside. Hence the order :-

- (i) The petition is allowed;
- (ii) F.I.R. bearing Crime No.348/2015 for offences punishable under section 498(A), 406, 506 read with 34 of the Indian Penal Code registered with Ghatkopar police station, Mumbai at the instance of respondent No.2 / informant Mrs.Pritam Sachin Shingote is hereby quashed and set aside.

(A.M. BADAR, J.)

(NARESH H.PATIL, J.)