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

CRIMINAL WRIT PETITION NO.319 OF 2017

Mr. Jaiprakash Bhagwanprasad Gupta and Ors.	... Petitioners
Vs.	
State of Maharashtra and Anr.	... Respondents

Mr. S.H. Shaikh for the Petitioners.
Dr. F.R. Shaikh, APP for the Respondent No.1.
Mr. Omprakash Dubey for the Respondent No.2.

**CORAM : A.S. OKA &
ANUJA PRABHUDESSAI, JJ.**

DATE : 10th FEBRUARY, 2017

PC.

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

1 Heard the learned counsel appearing for the petitioners.
The learned APP waives service for the first respondent. The learned counsel appearing for the second respondent waives service. Forthwith taken up for final hearing.

2 The prayer in this Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 is for quashing the criminal case on the basis of FIR lodged by the second respondent for the offences punishable under Sections 498A, 406, 494, 506 and 504 read with Section 34 of the

Indian Penal Code. The first petitioner and the second respondent are husband and wife. The first petitioner and the second respondent filed consent terms in a Petition filed by the first petitioner in the Family Court at Bandra on 14th June, 2016. They have agreed to take divorce by mutual consent under Section 13B of the Hindu Marriage Act, 1955 subject to terms and conditions incorporated in the said consent terms. A copy of the consent terms is filed on record by the second respondent along with her affidavit. The learned counsel appearing for the petitioners as well as the learned counsel appearing for the second respondent states that consent terms have been duly signed by the first petitioner and the second respondent and that in terms of the consent terms, the first petitioner has deposited a sum of Rs.7,50,000/- with the Family Court. Both the learned counsel on instructions of their respective clients states that the first petitioner and second respondent will not withdraw their respective consent recorded for grant of decree of divorce under Section 13B of the Hindu Marriage Act, 1955. We accept the said statement as undertakings of the first petitioner and the second respondent.

3 The matrimonial dispute between the first petitioner and the second respondent led to the registration of the impugned FIR. Now, there is a complete settlement of the matrimonial dispute as is apparent from the consent terms filed before the Family Court.

4 In view of the facts stated above, this is a fit case to exercise power under Section 482 of the Code of Criminal Procedure, 1973 by quashing the criminal proceedings.

5 Accordingly, we pass the following order :-

ORDER

- (i) Criminal Case No.32 of 2013 pending in the Court of the learned Judicial Magistrate, First Class, III Court at Vasai arising out of FIR No.I 54 of 2012 registered with Nallasopara Police Station, District Thane at the instance of the second respondent is hereby quashed.
- (ii) All concerned to act upon an authenticated copy of this order.

(ANUJA PRABHUDESSAI, J)

(A.S. OKA, J)