

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 132 OF 2017

Mr.Chandrakant Ishwarlal Panchal & Ors.

...Applicants

Versus

State of Maharashtra & Anr.

...Respondents

.....

Mr.D.H.Shukla a/w Mr.Juglesh Pandey i/b. Mr.Shailendra Singh for the Applicants.

Mr.N.B.Patil, APP for the Respondent No.1-State.

Mr.Ganesh Gole for the Respondent No.2.

.....

CORAM: A.S.OKA & ANUJA PRABHUDESSAI, JJ.
DATED: 22ND FEBRUARY 2017

P.C.:

1. Not on board. Taken on board.

2. Mr.Patil, learned APP for the respondent no. 1, and Mr. Gole, learned counsel for the respondent no. 2, waives service. Forthwith taken up for final disposal.

3. The prayer in this application under section 482 of the Criminal Procedure Code, 1973 is for quashing of the First Information Report registered against the respondent no.2 for offences punishable under sections 498A, 323, 406 and 504 read with section 34 of the Indian Penal Code. The applicant no.5 and the respondent no. 2 are

husband and wife. They are relying upon the settlement deed, a copy of which is annexed as Exhibit -'C' to the application. The settlement deed has been signed by the applicant no. 5 and the respondent no. 2.

4. The learned counsel appearing for the respondent no.2 states that the respondent no. 2 accepts the correctness of the contents of the settlement deed. She has also filed an affidavit dated 1st February 2017 accepting the correctness of the settlement deed and recording her no objection for quashing the First Information Report. Perusal of the settlement deed and the Consent Terms incorporated therein show that the applicant no. 5 and the respondent no.2 have settled their matrimonial dispute in all respects. The settlement deed records that a decree of divorce has been passed on 5th July 2014 by the Competent Court in Australia and both the parties have accepted that the said decree will bind them.

5. It is the matrimonial dispute between the applicant no.5 and the respondent no.2 which led to the registration of the First Information Report. Now, there is a complete settlement of the matrimonial dispute. Therefore, continuation of the criminal proceedings will cause undue hardship to the parties. This is a fit case to exercise the power under section 482 of the Code of Criminal

Procedure, 1973 for quashing the First Information Report. Accordingly, we pass the following order:-

O R D E R

- 1) Rule is made absolute in terms of prayer clause (a) in Criminal Application No. 132 of 2017 which reads thus:

“a) This Hon'ble Court be pleased to quash and set aside the said complaint F.I.R. bearing no. 86 of 2012 registered with the Borivali Police Station, Mumbai (renumbered as PW/1933/2012) against the applicants”.

6. All concerned to act on an authenticated copy of this order.

(ANUJA PRABHUDESSAI,J.)

(A.S.OKA,J.)