

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

CRIMINAL WRIT PETITION NO. 622 OF 2017

Digambar Nath Pandey & Ors. ... Petitioners

Vs

1. The State of Maharashtra & Ors. ... Respondents

Mr. Amit Kumar Tiwari for the Petitioners.

Dr. F.R. Shaikh, APP, for the Respondent-State.

***CORAM : S.C. DHARMADHIKARI &
PRAKASH D. NAIK, JJ.***

WEDNESDAY, 19TH APRIL, 2017

P.C. :

1 The complainant is present in Court. She says that
C.R. No.397 of 2012 registered by Chaturshrungi Police Station,
Pune, was at her instance. That alleges offences punishable
under sections 498-A and 34 of the Indian Penal Code.

2 The accused is her husband and others.

3 The present petition is by the husband. Respondent

No.2 says that though the FIR was registered on 27th February, 2013, it was as a result of the matrimonial discord and strained relationship. Now, she has stated in this petition, the parties, namely, the complainant and the husband-petitioner have settled the whole dispute. The proceedings in the Family Court have ended in a consent decree, in the sense the marriage has been dissolved by a decree of mutual consent invoking section 13-B of the Hindu Marriage Act, 1955.

4 The petition for dissolution by mutual consent records the arrangement and agreement between both sides, including the financial assistance to be provided to the complainant-wife. The amount is set out and the manner in which the same has to be paid.

5 The complainant having remained present in this Court and identified herself, so also tenders her written say, we have no hesitation in proceeding to accept her version. She has reinforced the factual statements in the writ petition. She has not disputed any of the allegations therein. She says that she has been a party to all the arrangements and agreements in the

Family Court as well and without any pressure, force and coercion of any nature, she has signed the terms. Equally, she is ready and agreeable to this criminal prosecution being quashed. She says that she does not wish to take it any further.

6 In the light of the above and since the offence is registered purely because of family and matrimonial disputes between two private persons, the larger interest of the society not being adversely affected, we allow this criminal writ petition. We quash the FIR (C.R. No.397 of 2012) registered by the Chaturshrungi Police Station, Pune and transferred from Durg in the State of Chattisgarh. Even the criminal case before the criminal court / charge-sheet is quashed accordingly.

PRAKASH D. NAIK, J.

S.C. DHARMADHIKARI, J.