

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 197 OF 2017**

Vinay Charanjeet Jethy & Ors. ..Applicants

v/s.

The State of Maharashtra & Ors. ..Respondents

Mr. Vivek Pandey for the Applicant.

Mrs.S.V.Sonawane, APP for the Respondent Nos.1 and 2.

Mr. Vinay Khobragade for the Respondent No.3.

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

DATED : 16TH FEBRUARY, 2017

P.C.

1. Not on Board. On production, taken on board.
2. Heard the learned Counsel appearing for the Applicants, the learned APP for the State and the learned Counsel appearing for the third Respondent.
3. Rule. The learned APP waives service for the first and second Respondents. The learned Counsel appearing for the third Respondent waives service. Forthwith taken up for final hearing.
4. By this application under Article 482 of the Code of Criminal Procedure, 1973 (for short "Cr.PC."), a prayer is made for quashing

the criminal case for an offence punishable under Section 498A read with Section 34 of the Indian Penal Code. The third Respondent is the first Informant. The third Respondent and the first Applicant were husband and wife. The second Applicant is the mother of the first Applicant. By the Judgment and Order dated 21st January, 2017 passed by the Family Court at Mumbai, the marriage between the first Applicant and the second Respondent has been dissolved under Section 13B of the Hindu Marriage Act, 1955. Consent terms filed in the said petition at Exhibit 23 are made a part of the decree. A copy of the consent terms is annexed to this application at page 45. Today, the third Respondent has filed an affidavit accepting that there is a complete settlement between her and the first Applicant. Today, in the open Court, the learned Counsel appearing for the Applicants has handed over to the third Respondent a Demand Draft in the sum of Rupees Three Lakhs Twentyfive Thousand. In view of the receipt of the said amount, the third Respondent has no objection for quashing the criminal proceedings. T

5. The matrimonial dispute between the first Applicant and the third respondent led to the registration of the offence. Now, there is

a complete settlement of the matrimonial dispute as seen from the consent terms and the Judgment and Decree dated 21st January, 2017 passed by the Family Court. Therefore, continuation of the proceedings of the Criminal Case will cause undue hardship to both the parties. Hence, this is a fit case to exercise the power under Section 482 of Cr.P.C.

6. Rule is made absolute in terms of prayer clause (a) of the application which reads thus :-

“That this Honourable Court be pleased to quash and set aside the First Information Report being C.R.No.163/2012 registered by the Goregaon Police Station under Section 498A read with 34 of the Indian Penal Code and the Criminal Case No.706/PW/2014 pending in the Court of the Metropolitan Magistrate's 67th Court at Borivali, Mumbai, in the interest of justice.”

7. All concerned to act on an authenticated copy of this Order.

(ANUJA PRABHUDESSAI, J.)

(A.S.OKA, J.)