

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

APPLICATION NO.216 OF 2017

Mr.Maharajan Chelladurai Ashirvadam and ors. ... Applicants
V/s.

Mrs.Maheshwari Maharajan Chelladurai and anr. ... Respondents

Ms.Geetanjali Gheewalla for the Applicants.

Ms.Minal M. Pillai for Respondent No.1.

Mr.S.R.Shinde, APP for Respondent No.2.

**CORAM : NARESH H. PATIL AND
NITIN W. SAMBRE, JJ.**

DATE : DECEMBER 19, 2017.

P.C. :

. Rule. Rule, made returnable forthwith. By consent of the parties, heard finally.

2. The Applicant No.1-husband and Respondent No.1 got married on 29th May, 2015. They started living together, but thereafter, they realized that they have incompatible nature. There were differences of opinion regarding their lifestyles, likes and dislikes. They could not pull on with their married life. They started residing separately since 16th August, 2015. The Respondent No.1 on 15th September, 2015 filed a complaint which was registered as FIR bearing C.R.No. 407 of 2015 under

Sections 489A, 406, 323, 504, 506 r/w 34 of IPC in Vakola Police Station, Mumbai. The learned APP informed that final report is not filed so far.

3. The learned counsel for the Applicants further contended that Petition for divorce by mutual consent under Section 13B of The Hindu Marriage Act, 1955 bearing Petition No.F-2585 of 2016 before Family Court No.3, Bandra, Mumbai filed by Applicant No.1 and Respondent No.1 is disposed of by a consent decree.

4. The learned counsel appearing for the Applicants placed on record a copy of decree dated 24th July, 2017 passed by the Family Court based on the consent terms of the parties.

5. The parties prayed to this court that in the facts and circumstances of the case, in view of the order passed by the Family Court, the criminal complaint/FIR be quashed and set aside.

6. The learned counsel appearing for the parties identified the

parties and submitted that complainant and husband and other accused persons are present in the court.

7. Perused the record. We find that in the facts and circumstances, there is no purpose now to continue with the criminal prosecution lodged by the wife. To meet the ends of justice, it is necessary to quash the FIR as prayed for by the parties. Taking into consideration the facts and circumstances of the case, we pass following order:

ORDER

- i. The Application is allowed.
- ii. FIR bearing C.R.No.407 of 2015 dated 15th September, 2015 registered with Vakola Police Station, Santacruz, Mumbai under Sections 489A, 406, 323, 504, 506 r/w 34 of IPC against the Applicants-Mr.Maharajan Chelladurai Ashirvadam, Mrs. Punamal Chelladurai, Mr.Pelladurai, Mrs.Athwani Vinod Shankar, Mr.Durai, Mr.Chinnadurai and Mrs.Ratinam is quashed and set aside.
- iii. Rule is made absolute in the above terms.

(NITIN W. SAMBRE, J.)

(NARESH H. PATIL, J.)