

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

WRIT PETITION NO. 801 OF 2017

Ranjit Rajan Calangutkar & Ors.

..Petitioners

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. Kuldip S. Patil for the Petitioner.

Mr. K.V.Saste, APP for the Respondent No.1.

Mr.Ranjit Patil for the Respondent No.2.

**CORAM : A.S.OKA & ANUJA PRABHUDESSAI, JJ.
DATED : 10TH MARCH, 2017**

P.C.

1. Not on Board. On production, taken on board.

2. Rule. The learned APP waives service for the first Respondent.

The learned Counsel appearing for the second Respondent waives service. Forthwith taken up for final disposal.

3. The first Petitioner and the second Respondent are husband and wife. The prayer is for quashing the proceedings of a criminal case on the basis of the First Information Report registered at the instance of the second Respondent for the offences punishable under Section 498A, 406, 504, 506 of the Indian Penal Code.

4. The first Petitioner and the second Respondent have filed Petition No. F-509 of 2016 before the Family Court for seeking decree of divorce by mutual consent under Section 13B of the Hindu Marriage Act, 1955. The copies of Consent terms dated 2nd March, 2016 and the modified Consent terms dated 28th September, 2016 have been annexed. The learned Counsel appearing for the petitioners, on instructions, states that a sum of Rs.7 lakhs has been deposited by the first Petitioner with the Family Court as per the settlement. Correctness of this statement is accepted by the learned Counsel appearing for the second Respondent on instructions.

5. There is an affidavit in reply filed by the second Respondent in which she has consented for quashing the First Information Report on

the basis of the settlement which is reflected from the petition.

6. Both the first Petitioner and the second Respondent are present. Through their learned Counsel, they undertake to the Court not to withdraw the consent for passing a decree under Section 13B of the Hindu Marriage Act, 1955.

7. The matrimonial dispute between the first Petitioner and the second Respondent was the root cause of the registration of the First Information Report. In view of the complete settlement of the matrimonial dispute, the continuation of the criminal proceedings will cause undue harassment to the first Petitioner and the second Respondent. Hence, this is a fit case to exercise the powers under Section 482 of the Code of Criminal Procedure, 1973. Accordingly, we pass the following Order:-

i) Rule is made absolute in terms of prayer clause (b) which reads thus :

“That this Honourable Court may pass appropriate

orders/writs/directions and quash the Criminal Case No. MCA. 104/DV/2015 arising out of F.I.R. bearing No. 330 of 2014 dated 24th September, 2014 registered against the present petitioners by the Respondent No.2 with Amboli Police Station, Mumbai for offences under Section 498(A), 406, 504 and 506 of the Indian Penal Code for offences under Section 498(A), 406, 504 and 506 and pending on the file of the Ld. Metropolitan Magistrate's 66th Court, Andheri.”

- ii) All concerned to act on an authenticated copy of this Order.

(ANUJA PRABHUDESSAI, J.)

(A.S.OKA, J.)