IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.260 OF 2017

Deepal Jinesh Gala ...Applicant

Versus

The State of Maharashtra & Anr. …Respondents

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Mrs. Manjula Rao for the Applicant.
Mr. K.V. Saste, APP for the Respondent No.1-State.
Mr. Arshid Shah i/b. Ms Preeti Gada for the Respondent No.2.

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

DATED: 7th MARCH, 2017.

P.C.:-

Not on board. 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 Applicant is the First Informant, at whose instance the impugned First Information Report alleging commission of an offence punishable under section 498 A read with 34 of the Indian Penal Code was registered against the second Respondent and others. In the

Divorce Petition No.A-2572 of 2015 filed by the Second Respondent against the Applicant before the Family Court at Bandra, Mumbai, parties arrived at settlement by filing consent terms dated 13th February, 2017. A copy of the consent terms is annexed at Exhibit 'B' to the Application. The learned counsel appearing for the Applicant and the second Respondent, on instructions, say that the consent terms have been signed by the Applicant and the second Respondent.

4. The learned counsel for the Applicant submits that the Divorce Petition bearing No.A-2572 of 2015 has been converted into a Petition filed under Section 13 (B) of the Hindu Marriage Act, 1955 and the same is fixed for final disposal on 15th March, 2017. Perusal of the consent terms shows that there is a settlement on all aspects of the matrimonial dispute between the Applicant and the second Respondent. There is an affidavit filed by the Applicant accepting the settlement. Apart from the statements made in the Application consenting for quashing, the second Respondent has also accepted that there is a settlement in terms of the consent terms at Exhibit-'B'

5. The matrimonial dispute between the Applicant and the second Respondent was the root cause for the registration of the First

Information Report. Now after the settlement is arrived at between the parties in the matrimonial dispute, the continuation of proceedings will cause undue harassment to the parties. Therefore, 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.

6. Accordingly, we pass the following order :-

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

> "a. The F.I.R. bearing C.C. No.171 of 2015 filed in Goregaon Police Station, Mumbai, be quashed in terms of the Consent Terms dated 13th February, 2017."

(ii) All concerned to act upon an authenticated copy of this order.

(ANUJA PRABHUDESSAI, J.) **(A.S. OKA, J.)**