

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 531 OF 2016**

Kadir Bhombal & Ors.

..Applicants

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. Saurabh Butala a/w. Mr. Harshad Sathe i/b. Mr. Harshad Bhadbade for the Applicant

Mr. F.R. Shaikh, APP for the Respondent No.1.

Mr. A. Salim Shaikh for the Respondent No.2.

**CORAM : A.S.OKA & ANUJA PRABHUDESSAI, JJ.
DATED : 18TH JANUARY, 2017**

ORAL JUDGMENT (PER A.S.OKA, J.)

1. 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 hearing. The first applicant, the third applicant and the second respondent are personally present in the Court.

2. The learned Counsel appearing for the parties state that the prayer made by this application under Section 482 of the Code of Criminal Procedure, 1973 is for quashing the first information report registered for the offences punishable under Section 498A and 354 of Indian Penal Code. The first informant is the second respondent. The first and second applicants are the parents of the husband of the second respondent. The prayer for quashing is sought on the basis of a settlement between the applicants and the second respondent. The settlement is reflected from consent terms annexed at Exhibit B to the application.

3. The second respondent has filed an affidavit affirmed today, in which she has stated that the first and the second applicants are her in laws, the fourth applicant is her sister in law and the third applicant is the husband of the sister-in-law. She has stated in the affidavit that she has received a sum of Rs.4 lakhs from the applicants and her husband in full and final settlement of her claims, including the claim for Meher. Receipt dated 1st April, 2016, signed by her is annexed to the affidavit. Paragraph 6 of the affidavit

records that there is Talaq between the second respondent and her husband on 18th March, 2016. A Certificate of legal dissolution of the marriage is annexed to the affidavit. The second respondent has stated in the affidavit that she does not have any claim against the applicants.

4. From the affidavit of second respondent, it appears that now her matrimonial dispute is completely settled. In fact, there is a Talaq as pointed out earlier. After settlement of the matrimonial dispute and all other subsisting disputes, continuation of criminal proceedings will cause undue harassment to the applicants as well as the second respondent. The matrimonial dispute was the root cause for the registration of the First Information Report. Hence, this is a fit case to exercise the powers under Section 482 of Criminal Procedure Code, 1973. We, accordingly, pass following order.

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

“That this Honourable Court may be pleased to quash and

set aside the complaint and the subsequent Final Report registered by V.B.Nagar Police Station being C.R.No. 323/2015 registered u/s. 498(a), 406, 354 read with 34 of the Indian Penal Code.”

- ii) All concerned, to act on the authenticated copy of this order.

(ANUJA PRABHUDESSAI, J.)

(A.S.OKA, J.)