

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

CRIMINAL APPLICATION NO. 960 OF 2016

1. Naveen Krishna Mendon & Ors. ... Applicants

Vs

1. The State of Maharashtra & Anr. ... Respondents

***WITH
CRIMINAL APPLICATION NO. 348 OF 2017***

1. Tushar Neeladhar Salian & Ors. ... Applicants

Vs

1. The State of Maharashtra & Anr. ... Respondents

Mr. Satyaram R. Gaud for the Applicants in both Criminal Applications.

Mrs. M.H. Mhatre, APP, for the Respondent – State.

Mr. K.C. Tiwari for the Respondent No.2 in both the Criminal Applications.

***CORAM : S.C. DHARMADHIKARI &
PRAKASH D. NAIK, JJ.***

THURSDAY, 30TH MARCH, 2017

P.C. :

1 The second respondent-wife is present in Court. She

is the original complainant.

2 She says that FIR bearing No.97 of 2016 was registered at her instance by the Kanjurmarg Police Station. The offences alleged are punishable under sections 498(A), 406, 504, 506 r/w 34 of the Indian Penal Code.

3 The applicants before this Court in Criminal Application No. 348 of 2017 are her husband, father-in-law and mother-in-law. The other application which is on Board is Criminal Application No. 960 of 2016. That is by the co-accused - maternal uncles and aunt.

4 The petitioner No.1-Tushar is the husband of this complainant. She says that Matrimonial Petition No. A-276 of 2016 was filed by Tushar against her in the Family Court at Bandra, Mumbai. There are consent terms which have been filed between the parties to those proceedings. The parties have amicably agreed to dissolve their marriage solemnized on 30th November, 2014. The proceedings resulted in a Decree of Divorce by mutual consent in exercise of the powers of the Family

Court under section 13-B of the Hindu Marriage Act, 1955.

5 The complainant has tendered an affidavit duly signed. She is present. She has informed the Court that this affidavit bears her signature. She says that she has perused this affidavit carefully. She has understood each of the paragraphs of this affidavit and the consent terms filed in the Family Court. She is aware that by these proceedings, the FIR is sought to be quashed. If her affidavit is taken on record and the statements therein are accepted, then, her legal rights and particularly to prosecute a criminal case would come to an end. She is also aware that if she agrees to have the marriage dissolved by mutual consent, as recorded before the Family Court, even the Family Court proceedings would come to an end. She confirms that a sum of Rs.7,00,000/- is accepted by her in full and final settlement of permanent alimony. The amount is deposited in the Family Court. She confirms that beyond this sum, she does not wish to receive anything from the petitioner/applicant-accused. She has, therefore, no objection for these criminal proceedings being quashed.

6 Since the deponent of this affidavit, the wife of Tushar, is present in Court and she has stated as above, we allow both these Criminal Applications. We quash the FIR registered by the Kanjurmarg Police Station.

PRAKASH D. NAIK, J.

S.C. DHARMADHIKARI, J.