

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

WRIT PETITION NO.3591 OF 2015

Mr. Rajesh Surendrakumar Gupta & Ors.

.. Petitioners

Vs

The State of Maharashtra & Anr.

.. Respondents

...

Ms. Shashikala Hirlal Rajak for the Petitioners.

Mrs. S. V. Sonawane, APP, for Respondent No.1.

Mr. Ravi Mishra for the Respondent No.2.

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

DATE : 23 JANUARY, 2017.

P.C. :

1. Rule.

2. The learned APP waives service for the 1st Respondent. The learned counsel appearing for the 2nd Respondent waives service. Forthwith taken up for final disposal.

3. The prayer is for quashing the First Information Report registered at the instance of the 2nd Respondent for the offences punishable under Section 498-A and 406 read with Section 34 of the Indian Penal

Code. The 1st Petitioner and the 2nd Respondent were husband and wife. Settlement between them was arrived at before the Family Court, Mumbai at Bandra, in Petition No. 1948 of 2014 filed by the 1st Petitioner against the 2nd Respondent. The learned counsel appearing for the Petitioner has tendered across the bar a compilation of documents which is taken on record and marked as “**Exhibit A-1**” for identification. Affidavit of 2nd Respondent is also tendered on record. The additional compilation shows that modified consent terms were arrived at between 1st Petitioner and the 2nd Respondent on 26th September 2016. The compilation shows that in terms of the modified consent terms, a sum of Rs.4,00,000/- has been deposited by the 1st Petitioner with the Family Court. It is also pointed out that an application under Section 12 of the Protection of Women from the Domestic Violence Act, is also withdrawn. The learned counsel appearing for the Petitioners and the 2nd Respondent on instruction of the 1st Petitioner and 2nd Respondent who are personally present in the Court stated that the Family Court at Mumbai has passed a decree of divorce on 17th November 2016, in terms of the compromise.

4. Thus, the matrimonial dispute between the 1st Petitioner and the 2nd Respondent has come to an end in all respects. The First

Information Report was the out come of the matrimonial dispute. Therefore, continuation of the Criminal Proceeding will cause undue hardship to both the parties. Hence, it is a fit case to exercise the power under Section 482 of the Code of Criminal Procedure, 1973, by quashing the First Information Report.

5. Accordingly, we passed the following order.

O R D E R

- (i) Rule is made absolute in terms of prayer clause (a) which reads as follows ;

“(a) To call for the records and proceeding of this case from the Sr. P. I. of the Vasai Police Station, and after perusing the same, quash and set-aside, the said impugned F.I.R. No. I-109 of 2014 registered by Vasai Police Station, at Thane.”

- (ii) The charge-sheet filed on the basis of the aforesaid FIR also stands quashed and set aside.

- (iii) All concerned to act on an authenticated copy of this order.

(ANUJA PRABHUDESSAI,J)

(A. S. OKA, J.)