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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELATE JURISDICTION
CRIMINAL APPLICATION NO.1107 OF 2016

Nikhil Shirish Joshi ...Applicant
vs.
Meghna Nikhil Joshi & Anr. ...Respondents

Ms Nazneen Adil Khatri for the applicant
Ms S.V.Sonawane, APP for the respondent No.2
Mr.Rees Khan for respondent No.1

CORAM : A.S.OKA, &
SMT.ANUJA PRABHUDESSAI JJ.
DATE : MARCH 23, 2017

P.C.:

. Not on board. Taken on board.

1 Rule. The learned counsel for the first respondent waives service. The learned APP waives service for the second respondent. Forthwith taken up for final disposal.

2 The prayer in this application under section 482 of the Code of Criminal Procedure,1973 (for short `CrPC') is for quashing the FIR registered under sections 498-A, 323, 504, 506 of the Indian Penal Code. The applicant and the first respondent were husband and wife. The consent terms were filed in the Petition No.F-801 of 2016 which is jointly filed by the petitioner and the first respondent seeking a divorce by mutual consent under section 13(B) of the Hindu Marriage Act,1955 in the Family Court at Bandra. The contents of the consent terms shows that there is a settlement of all the disputes between the applicant and the first respondent

including the issue of the custody of the children.

2 Today, the learned counsel for the parties have placed on record a copy of the decree passed on 27th January 2017 passed by the Family Court, Mumbai in the said petition. The consent terms annexed are made a part of the decree. As directed by the Family Court, the marriage between the parties has been dissolved under section 13-B of the Hindu Marriage Act, 1955. Hence, continuation of criminal proceedings will be unjust to the parties. The matrimonial dispute led to the registration of FIR. Now, there is a complete settlement of the matrimonial dispute. This is a fit case to exercise the power under section 482 of the CrPC.

3 Accordingly, we pass the following order:

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

"(a) This Hon'ble Court be pleased to quash and set aside the FIR/Complaint lodged by the Respondent No.1/Orig.Complainant, with Juhu Police Station vide C.R.No.366/15 under sections 498-A, 323, 504, 506 of IPC on such terms and conditions as this Hon'ble Court may deem fit and proper."

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

(ANUJA PRABHUDESSAI, J.)

(A.S.OKA, J.)