

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.3674 OF 2016

Mohammad Mudassar Abdulla Maniyar and Ors. .. Petitioners
Vs
The State of Maharashtra and Another. .. Respondents

—
Shri Ram M. Upadhyay for the Petitioners.
Shri K.V.Saste, APP for the Respondent No.1.
Shri D.T. Tiwari i/b Shri Sushil Pandey for the Respondent No.2.

--

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

DATED : 23RD FEBRUARY 2017

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

1. Heard the learned counsel appearing for the Petitioners, the learned APP for the first Respondent and the learned counsel appearing for the second Respondent.

2. Rule. The learned APP waives service for the first Respondent and the Advocate for the second Respondent waives service. Forthwith taken up for final disposal.

3. The first Petitioner and the second Respondent are the husband and wife. The prayer in this Petition is for quashing the First

Information Report (FIR) registered at the instance of the of the second Respondent for the offences punishable under Sections 498A, 406, 354(A),, 509, 504, 506 read with 34 of the Indian Penal Code. The second and third Petitioners are parents of the first Petitioner. The quashing is sought on the basis of the consent terms filed in the Anticipatory Bail Application. The settlement was arrived at on 4th August 2016 under which the first Petitioner and the second Respondent agreed to resume cohabitation and the first Petitioner agreed to take a premises on rent by taking necessary amount from the second Petitioner. There is an affidavit filed by the second Respondent in which she has accepted that there is a settlement. She has stated in Paragraph 3 of her affidavit that she was happily residing with her husband and she has no grievance against the Petitioners. She has recorded her no objection for quashing the proceedings.

4. The first Petitioner has filed an affidavit. He has stated that he was working as a Driver of a cab which is engaged under a taxi service provider namely OLA and he is getting a remuneration of an amount of Rs.800/- on cash basis. He has undertaken to maintain the second Respondent in all respects.

5. In the affidavit, the second Respondent has recorded no objection for quashing the proceedings.

6. The Police Officer of the Santacruz Police Station has submitted a report dated 16th February 2017. In the statement of the first Petitioner recorded by the Police, he has stated that he gets salary of Rs.15,000/- per month.

7. Thus, from the affidavits of the first Petitioner and the second Respondent, it appears to us that they have successfully brought the matrimonial dispute to an end. The first Petitioner and the second Respondent have already started residing together along with their children. The Police have made verification of this factual aspect.

8. In view of the reconciliation, the continuation of the criminal proceedings will be unjust to all the parties. Hence, a case is made out for quashing the impugned FIR. Accordingly, we pass the following order:-

ORDER :

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

“(a) This Honourable Court be pleased to exercise its inherent power under section 482 of the Cr.P.C. and be pleased to Quash F.I.R. No.252 of 2016 registered with Santacruz Police Station, Mumbai for the offences punishable under section 498(a), 406, 354(a), 509, 504, 506 & 34 of India Penal Code.”

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

(SMT.ANUJA PRABHUDESSAI, J)

(A.S. OKA, J)