

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3801 OF 2016**

Smt. Ranjana Sanjay Jaiswar ..Petitioner

v/s.

The State of Maharashtra & Ors. ..Respondents

Mr. Jilajit Sharma for the Petitioner
Ms. R.M.Gadhvi, Addl.PP for the Respondent No.1.
Mr. Manish Dubey for the Respondent Nos.2 to 8.

**CORAM : A.S.OKA & ANUJA PRABHUDESSAI, JJ.
DATED : 25TH JANUARY, 2017**

P.C.

1. Rule. The learned APP waives service for the first respondent. The learned Counsel appearing for the second to eight respondents waives service. Forthwith taken up for final disposal.
2. The petitioner is the first informant, at whose instance the impugned First Information Report was registered with the Dharavi Police Station , Mumbai for the offences punishable under Sections 498A, 406 read with 34 of the Indian Penal Code. The second to

eighth respondents herein have been arraigned as the accused. Chargesheet has been filed after completing the investigation.

3. In the year 2013, the second respondent, who is the husband of the petitioner filed a petition being Petition No.A 2235 of 2013 in the Family Court at Bandra, Mumbai against the petitioner for divorce. By consent of both the parties, the said petition was converted into a petition under Section 13B of the Hindu Marriage Act, 1955. By the Judgment and Decree dated 22nd June, 2016, the learned Judge of the Family Court, Mumbai dissolved the marriage between the petitioner and the second respondent under Section 13B of the Hindu Marriage Act, 1955. Paragraph 8 of the said judgment refers to the settlement between the parties and the fact that an effect has been given to the settlement by the second respondent by paying a sum of Rs.7 lakhs to the petitioner in full and final settlement of her claim for maintenance, and by depositing a sum of Rs.2 Lakhs in Fixed Deposit in the name of the minor daughter. Paragraph 8 records a settlement regarding the custody of the minor daughter. It is provided that the custody of the minor shall continue with the petitioner and that the second respondent will have access to meet the minor

daughter.

4. The petitioner has filed additional affidavit recording that the settlement between the parties has been fully acted upon and therefore, she has no objection for quashing the proceeding.

5. The allegations in the chargesheet show that it is the matrimonial dispute between the petitioner and the second respondent which resulted into the registration of the First Information Report. Now there is a complete settlement of the matrimonial dispute. Therefore, the continuation of the criminal proceedings will cause undue harassment to the petitioner and the second respondent. Hence, this is a fit case to exercise the powers under Section 482 of the Code of Criminal Procedure, 1973. Accordingly, we pass the following order:

i) Rule is made absolute in terms of prayer clauses (b) which read thus:

“b) By issuing appropriate writ order or direction under Article 226 and 227 and Section 482 of Cr.P.C. the proceedings against the Respondents in C.C.No.301/PW/2015 pending before the Honourable Metropolitan Magistrate, 12th Court, Bandra arising out

of the FIR No.03/2014 dated 04.01.2014 registered by Dharavi Police Station under Section 498A, 406, 34 of Indian Penal Code may be quashed.”

(ANUJA PRABHUDESSAI, J.)

(A.S.OKA, J.)