

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

CRIMINAL APPLICATION NO.1444 OF 2016

Pravesh Vijayprakash Hajela & Ors.

.. Applicants

Vs

State of Maharashtra & Anr.

.. Respondents

...

Mr. Nitesh V. Bhutekar for the Applicants.

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

Mr. Rahul Parashar 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. The learned counsel appearing for the Petitioners states that the first three Applicants are personally present in the Court. The learned counsel appearing for the 2nd Respondent states that the 2nd Respondent is personally present in the Court. Forthwith taken up for final disposal.

3. The prayer made in this Criminal Application is for quashing

the charge-sheet for the offences punishable under Section 498-A, 506 read with 34 of the Indian Penal Code filed on the basis of the First Information Report registered at the instance of 2nd Respondent with Sangvi Police Station, Pune. The 1st Applicant and the 2nd Respondent who are husband and wife have filed a petition for divorce under Section 13 (B) of the Hindu Marriage Act, 1955, before the Family Court, at Gwalior State of Madhya Pradesh. The 2nd Respondent has filed an affidavit stating that she has arrived at settlement with the 1st Applicant as regards all the pending disputes. In paragraph 7 of the affidavit, she has stated that in terms of the settlement, the 1st Applicant has agreed to pay a sum of Rs.6,75,000/- in full and final settlement of her claims. In paragraph 8 she has admitted that the amount of Rs.6,75,000/- has been deposited by the 1st Applicant with the Family Court. It is further stated in the said paragraph that the Family Court is not hearing the petition for divorce on the ground that criminal case subject matter of this petition is pending.

4. The learned counsel appearing for the 1st Applicant and the learned counsel appearing for the 2nd Respondent on instructions of their respective clients state that they will not withdraw their consent for passing a decree under Section 13 (B) of the Hindu Marriage Act, 1955.

5. The 2nd Respondent has raised objections regarding certain averments in the present application. The learned counsel appearing for the Applicants has tendered across the bar a true copy of the present application by highlighting certain averments/words by red color. On instruction of the Applicants he stated that the Petitioners are not pressing the highlighted portions. We accept the said statement. The 2nd Respondent has no objection for quashing the proceeding.

6. We are satisfied that there is a complete settlement of matrimonial dispute between the 1st Applicant and the 2nd Respondent. The representation of the first information report was the outcome of the matrimonial dispute. Therefore, no purpose would be served by continuation of the criminal proceedings and it will cause undue harassment to both the parties. Hence, the petition must succeed. Accordingly, we pass the following order:-

O R D E R

(i) Rule is made absolute in terms of prayer clause (a)

which reads thus;

(a) *This Hon'ble Court may graciously be pleased to quash the RCC No. 368 of 2015 before the Ld. Judicial Magistrate First Class, Pimpri, Pune and the F.I.R. No. 365 of 2014 registered in the*

Sangvi Police Station, Pune.

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

(ANUJA PRABHUDESSAI,J)

(A. S. OKA, J.)