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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1217 OF 2017

Himanshu Kirti Jasani & Ors. ..Applicants.

V/s.

Mrs. Anshuni Himanshu Jasani & Ors. ..Respondents.

Mr.D.G.Parab for the applicants.

Mrs.M.M.Deshmukh, APP for the respondent-State.

Mr.J.VParmar with Mr.PS. Kamwal for respondent No.2.

***CORAM: NARESH H. PATIL AND
NITIN W.SAMBRE, JJ.***

DATE : DECEMBER 20, 2017

PC.:- (PER NITIN W. SAMBRE, J.)

This application is filed under section 482 of the Criminal Procedure Court by the applicant-husband and his parents, pursuant to a complaint lodged by respondent No.1-wife.

2. Applicant No.1 got married to respondent No.1 on July 11, 2014.

3. It is claimed by respondent-wife that the present applicants ill-treated her and demanded dowry as a consequence of which and pursuant to a complaint dated October 13, 2016, Crime No.I-292/2016 for offences punishable under section 498(A), 406, 323, 504 and 506 read with 34 of the Indian Penal Code came to be registered with Manikpur police station, Vasai against the applicants.

4. The parties to the present application, including respondent No.1 along with her father is present in the Court. She submits that she has no objection for quashing the proceedings in question, as according to her, before the Family Court at Bandra, Mumbai the proceedings for divorce by mutual consent is initiated. According to her, she has also agreed for quashing of the present proceedings pursuant to the terms entered into for divorce by mutual consent.

5. In view of the registration of offence in question, the charge-sheet is also filed against the applicants.

6. Respondent No.1 has produced on record the offer letter issued by Thompson Rivers University, Canada wherein the petitioner is offered enrollment as a student for the *Post Baccalaureate Diploma in International Business* and she has to report for the same on January 1, 2018.

7. After having perused the proceedings and having interacted with the parties to the petition, it is noticed that the relationship between applicant No.1 and respondent No.1 has reached to irretrievable stage. Both have decided to mutually part their ways. The alleged offence against the applicants for which charge-sheet No.54/2017 is filed, cannot be termed to be a serious offence against the society. In view of the consent terms filed before the the Family Court, Bandra, Mumbai and oral statement made before this Court by respondent No.1-wife, there are very dim chances of the applicants being getting convicted. The offence alleged is not a serious one.

8. Taking into consideration the above referred factual matrix and having regard to the law laid down by the Apex Court

in the case of ¹*Narendra Singh V/s. State of Punjab*, particularly paragraph 1, it will be appropriate in our opinion to quash the F.I.R. registered against the applicant. Vide Crime No.292/2016 with Manikpur police station, Vasai for offences punishable under section 498(A), 406, 323, 504 and 506 read with 34 of the Indian Penal Code, pursuant to which Charge-sheet No.54/2017 is filed. As consequences of quashing of the F.I.R. the aforesaid charge-sheet is also quashed.

9. The application stands allowed in the above terms.

(NITIN W.SAMBRE, J.)

(NARESH H.PATIL, J.)