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

CRIMINAL WRIT PETITION NO.4453 OF 2016

Mr. Pradeep Namdeo Bhoir and Ors. ... Petitioners
Vs.
Mrs. Swati Pradeep Bhoir and Anr. ... Respondents

Mr. Virendra Pethe i/by Mr. Ashutosh R. Gole for the Petitioners.
Ms. Swati Pradeep Bhoir for the Respondent No.1 in person.
Dr. F.R. Shaikh, APP for Respondent No.2.

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

DATE : 5th JANUARY, 2017

ORAL JUDGMENT (Per A.S.Oka, J.)

. **Not on board. Taken on board.**

1 Heard the learned counsel appearing for the Petitioners, the learned counsel appearing for the first respondent and the learned APP for the second respondent. Rule. The Respondents waive service. Forthwith taken up for final disposal.

2 The first petitioner and the first respondent are husband and wife. Prayer in this Petition under Article 226 of the Constitution of India is for quashing the FIR registered for the offences punishable under Sections 498A, 323, 504, 506 r/w 34 of Indian Penal Code. The Petitioners are relying upon the order dated 2nd December, 2016

passed by the learned Single Judge in Misc. Civil Application No.271 of 2015 in terms of the consent terms. We have perused copy of the consent terms annexed to the Petition. We find that under the consent terms, the first petitioner and the first respondent have completely settled their matrimonial dispute and they have agreed to obtain divorce by mutual consent under Section 13B of the Hindu Marriage Act, 1955.

3 Today, the first respondent appears in person who is identified by the learned counsel appearing for the petitioners. She has filed an affidavit accepting the settlement which is recorded under the order dated 2nd December, 2016 by the learned Single Judge. She has recorded her no objection for quashing the FIR.

4 Perusal of the impugned FIR shows that the matrimonial dispute between the first petitioner and the first respondent led to the registration of the FIR. Now, there is a complete settlement of the matrimonial dispute and, therefore, no purpose will be served by continuing the criminal proceedings. In fact, continuation of the criminal proceedings will cause undue hardship to the first petitioner and the first Respondent and therefore, as held by the Apex Court in the case of Gian Singh Vs. State of Punjab¹, this is a fit case to exercise

1 (2012) 10 SCC 303

powers under Section 482 of the Criminal Procedure Code, 1973.

Accordingly, Petition must succeed and we pass the following order :-

ORDER

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

“That the record and proceeding of First Information Report No.181 of 2015 dated 24/09/2015 registered in Pen Police Station and consequent Reg. Criminal Case No.83 of 2016 pending before the Ld. JMFC at Pen, Dist. Raigad, Thane, be called for and after examining the legality, validity and propriety thereof the FIR No.181 of 2015 dated 24/09/2015 registered in Pen Police Station and consequent Reg. Criminal Case No.83 of 2016 pending before the Ld. JMFC at Pen, Dist. Raigad, be quashed and set aside.”

(ANUJA PRABHUDESSAI, J)

(A.S. OKA, J)