

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4454 OF 2016**

Ankur Suri & Ors.

..Petitionerss

v/s.

The State of Maharashtra & Anr.

..Respondents

Ms. Mrunalini Deshmukh i/b. Mr. Nachiket Khaledkar for the
Petitioner

Mrs. R.M.Gadhvi, Addl. PP for the Respondent No.1.

Mr. Pratik Surti i/b. M.s, H & M legal Associate for the Respondent
No.2.

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

P.C.

1. Rule. The learned Counsel appearing for the second respondent waives service. The learned APP waives service for the first respondent. Forthwith taken up for hearing.

2. The prayer in this petition under Article 226 of the Constitution of India, is for quashing the First Information Report registered at the instance of the second respondent for offences punishable under

Sections 498A, 406, 323, 5-6 and 504 of the Indian Penal Code and Sections 4 and 5 of the Dowry Prohibition Act, 1961.

3. Reliance is placed on the consent terms, duly signed by the first petitioner and the second respondent who were husband and wife. The consent terms were filed in Petition No. F-307 of 2016, filed by the second respondent and the first petitioner in the Family Court at Mumbai. By a judgment and decree dated 5th November, 2016 passed by the Family Court at Mumbai in Petition No, F-307 of 2016, the marriage between the first petitioner and the second respondent has been dissolved by a decree of divorce by mutual consent under Section 13B of the Hindu Marriage Act, 1955. It is provided that consent terms filed on record shall be a part of the decree. We find that the consent terms record complete settlement of the matrimonial dispute between the first petitioner and the second respondent. The second respondent has filed affidavit consenting for quashing of the First Information Report on the ground of settlement.

4. It was the matrimonial dispute between the first petitioner and the second respondent which led to lodging of the First Information Report. In view of complete settlement of the matrimonial dispute,

the prayers made in this petition will have to be granted.

Accordingly, we pass the following order:

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

“That this Honourable Court be pleased to issue a Writ of Certiorari or a Writ in the nature of certiorari or any other appropriate writ, direction or order quashing the FIR Nos.122 of 2015 registered by the Respondent No.1 through Meghwadi Police Station, on 29th April, 2015 under Sections 498A, 406, 323, 504 and 506 of the IPC and Sections 4 and 5 of the Dowry Prohibition Act, 1961 along with the charge-sheet in view of the compromise arrived at between the Petitioner No.1 and the Respondent No.2 by way of Consent Terms dated 5th October, 2016.”

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

(ANUJA PRABHUDESSAI, J.)

(A.S.OKA, J.)