

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

CRIMINAL APPLICATION NO.1511 OF 2016

Mr. Hemanshu Premchand Gupta ...Applicant

Versus

The State of Maharashtra & Anr. ...Respondents

.....

Mr. Harinath R. Sharma for the Applicant.

Ms M.H. Mhatre, APP for Respondent No.1-State.

Mr. Hakim Salim for Respondent No.2.

**CORAM : A.S. OKA, AND
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 20th JANUARY, 2017.

P.C:-

Rule. The learned APP waives service for first Respondent.
The learned counsel appearing for second Respondent waives service.
Forthwith taken up for final disposal.

2. Prayer in this Application under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the said Code') is for quashing the criminal case arising out of the First Information Report registered at the instance of second Respondent for the offences punishable under Sections 498 A, 406, 323, 504 and 506 read with 34 of the Indian Penal Code. The first Petitioner and the second Respondent were

husband and wife. In Marriage Petition No.476 of 2014 filed in the Court of Civil Judge, Senior Division, Thane, the first Petitioner and the second Respondent filed the Consent Terms. Thereafter, a joint application was made for converting the pending Petition into a Petition under Section 13(B) of the Hindu Marriage Act, 1955.

3. Today, the learned counsel appearing for the Petitioners and the learned counsel appearing for the second Respondent on instructions of the first Petitioner and second Respondent respectively who are personally present in the Court state that the entire amount payable by the first Petitioner to the second Respondent in terms of the Consent Terms has been paid to the second Respondent. In fact copies of the Banker's cheques have been annexed to the Petition. On instructions, they further state that the marriage of the first Petitioner and the second Respondent has been dissolved by a decree of divorce under Section 13(B) of the Hindu Marriage Act, 1955 by the learned Civil Judge, Senior Division at Thane on 12th January, 2017, but a copy of the judgment is not yet available. We accept the said statement. The second Respondent has tendered an affidavit accepting the correctness of the Consent Terms annexed to the Petition and recording her no objection for quashing the proceedings.

4. Now there is a complete settlement of the matrimonial dispute between the first Petitioner and the second Respondent. Therefore, continuation of the proceedings will not serve any purpose and in fact it may cause undue harassment to both the parties. Therefore, this is fit case where this Court should exercise powers under Section 482 of the said Code.

5. Hence, we pass following order:-

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

“The Hon'ble Court be pleased to set aside/quash the FIR No.I-355/2014 dated 13/12/2014 Registered with Navghar Police Station which is numbered as R.C.C.787/2015 against petitioner and his other family members pending before the Ld. JMFC at Thane and on the basis of this said case R.C.C. no.787/2015 may be dismissed.”

(ANUJA PRABHUDESSAI, J.)

(A.S. OKA, J.)