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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELATE JURISDICTION
CRIMINAL APPLICATION NO.1522 OF 2016

Rekha W/O Anjanikumar Bhatt	
and others	...Applicants
vs.	
The State of Maharashtra & Ors.	...Respondents

Mr.K.P.Gangore and Mr.A.L.Bhise for the applicants
Ms S.V.Sonawane, APP for the respondent Nos.1 to 3.

CORAM : A.S.OKA, &
SMT.ANUJA PRABHUDESSAI, JJ.
DATE : MARCH 23, 2017

P.C.:

1 The office remark shows that the second
respondent has been duly served with the notice for
final disposal issued on 12th January 2017. None
appears for the second respondent.

2 The prayer in this application under section
482 of the Code of Criminal Procedure, 1973 (for
short `CrPC') is for quashing the first information
report lodged at the instance of the second
respondent for the offence punishable under section
498-A, 323, 504, 506 read with section 34 of the
Indian Penal Code.

3 The first applicant is the mother of the second
applicant. The second applicant was the husband of
the second respondent. The impugned FIR is
registered on 9th October 2015 on the basis of the

incidents spanning over the period from December 2012 to October 2015.

4 It appears that the second applicant and the second respondent filed a petition for divorce by mutual consent under section 13-B of the Hindu Marriage Act, 1955 on 23rd August 2016 in the Family Court at Solapur. A copy of the affidavit filed by the second respondent in the said family Court petition has been annexed to this application. The paragraph 8 thereof refers to bonafide settlement of the dispute. The affidavit gives list of 42 Articles which were received by her from her husband. She has stated that she has given up her claim for maintenance. Even the second applicant filed an affidavit referring to the delivery of various Articles by him to the second respondent.

5 Relying upon the said affidavits dated 23rd August 2014, the marriage between the second applicant and the second respondent has been dissolved by a decree of divorce dated 23rd August 2016 under section 13-B of the Hindu Marriage Act, 1955 by the Family Court.

6 Thus, it appears from the affidavits filed in the said matrimonial petition and the Judgment of the Family Court that after registration of the FIR, the matrimonial dispute between the husband and the wife has come to an end. In fact, the consent terms record that all subsisting disputes have come to an end. The matrimonial dispute was the root cause of

the registration of the impugned FIR. Therefore, continuation of criminal proceedings will cause undue harassment to the parties. Accordingly, the application must succeed.

7 Hence, we pass the following order:

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

That this Hon'ble Court be pleased to quash and set aside the FIR bearing No.343/2015 Police Station and the consequent proceeding arising out of it i.e (Chargesheet) Court Case bearing No.566 of 2016 pending in the file of JMFC, Solapur."

(II) All concerned to act upon an authenticated copy of this order.

(ANUJA PRABHUDESSAI, J.)

(A.S.OKA, J.)