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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1528 OF 2016**

Mr. Faisal Abdul Rub Ansari and Ors.	... Applicants
Vs.	
The State of Maharashtra and Ors.	... Respondents

Mr. Tariq Khan for the Applicants.
Dr. F.R. Shaikh, APP for the Respondent Nos.1 and 2.
Ms. Rohini Sorte and Ms. Sunita Jagtap for the Respondent No.3.

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

DATE : 12th JANUARY, 2017

PC.

1 Rule. The learned APP waives service for the first and second respondents. The learned counsel appearing for the third respondent waives service. The first applicant and the third respondent were husband and wife. Both of them are present in the Court. The prayer in this application under Section 482 of the Code of Criminal Procedure, 1973 is for quashing the FIR registered at the instance of the third respondent for the offences punishable under Section 498(A), 504, 506 read with Section 34 of the Indian Penal Code.

2 The first applicant and the third respondent relied upon the consent terms signed before the Marriage Counsellor of the Family Court in Bandra in Petition No. A-1813/2012-13 in which the parties agreed to take divorce and to produce Khullahnama before the Family Court. The agreed amount of Rs.3 lakhs has been deposited by the first applicant in the Family Court. A copy of Khullahnama is also annexed to the Petition. The learned counsel appearing for the applicants and the learned counsel appearing for the third respondent on instructions states that the said document has been signed by the first applicant and the third respondent.

3 The third respondent has filed an affidavit accepting the settlement between her and the first applicant and has recorded consent for quashing the FIR.

4 In view of the settlement arrived at before the Family Court and the subsequent divorce between the first applicant and the third respondent, now the matrimonial dispute between them is no longer subsisting. It is the matrimonial dispute which led to registration of the FIR. Therefore, continuation of the proceedings will cause undue hardship both to the applicant and the third respondent. Therefore, in

the light of the law laid down by the Apex Court in the case of Gian Singh Vs. State of Punjab¹, this is a fit case to exercise powers under Section 482 of the Criminal Procedure Code, 1973. Accordingly, we pass the following order :-

ORDER

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

“(a) Quash C.R. registered with Oshiwara Police Station vide C.R. No.312 of 2012, bearing Court case No.962/PW/2013 at 65th Metropolitan Magistrate's Court Andheri, against the Petitioners by consent.”

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

(ANUJA PRABHUDESSAI, J)

(A.S. OKA, J)

¹ (2012) 10 SCC 303