IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 124 OF 2018

Kamalashankar Dubey and
others .. Applicants

Vs.

The State of Maharashtra & Anr. .. Respondents

....

Mr. Sushil Kumar S. Upadhyay Advocate along with Mr. Jagdish Shukla for Applicants
Mrs. G.P. Mulekar APP for the State
Ms. Nazneen Contractor i/b Vinod M. Chauhan Adv. for respondent no.2

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CORAM : SMT.V.K.TAHILRAMANI ACTING C.J. AND M.S.KARNIK, J.

DATED : FEBRUARY 23, 2018

ORAL ORDER [PER SMT. V.K.TAHILRAMANI, ACJ.].:

1 Leave to amend granted. Amendment to be carried out forthwith.

2 The applicants are seeking quashing of FIR No. 217 of 2017 of MHB Police Station, Mumbai and the proceedings relating thereto. The said case is under Sections 498-A, 406, 420, 292, 323, 504, 506(2) read with Section 34 of IPC.

3 Heard the learned counsel for the applicants - accused, the learned counsel for respondent no.2 - complainant and the learned A.P.P. for the State.

4 The applicant no.4 was the husband of respondent no.2 original complainant. Applicant Nos. 1 and 2 are the parents of applicant no.4 and applicant no.3 is the sister of applicant no.4. All the applicants are present before the Court. The complainant i.e. respondent no.2 is also present before the Court. The complainant has stated that the FIR came to be lodged on account of a matrimonial dispute and the dispute has been amicably settled between the parties and the complainant does not wish to pursue the said case against them and hence, the case be quashed. She has also tendered affidavit to the above effect along with copy of her Aadhar Card, which are taken on record and marked **"X-Colly."** for identification.

5 The learned counsel for the applicants has submitted that in view of the settlement between the parties, the case ought to be quashed. Reliance is placed on the decision of the

Supreme Court in the case of ***Gian Singh Vs. State of Punjab and another***, reported in ***(2012) 10 S.C.C. 303.*** Learned counsel for the applicants pointed out that in the said case it is observed that if there is a criminal proceeding arising out of a matrimonial dispute and there is settlement between the parties, the said case can be quashed.

6 Looking to the fact that the matter has been amicably settled between the parties and looking to the fact that the complainant does not wish to pursue the case against any of the applicants, we are of the opinion that no purpose would be achieved by continuing with the prosecution in the said case. In this view of the matter, FIR No. 217 of 2017 of MHB Police Station, Mumbai and the proceedings relating thereto, are quashed.

7 The application is allowed and is disposed of accordingly.

M.S.KARNIK, J. **ACTING CHIEF JUSTICE**

kandarkar