

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 157 OF 2018**

Rutesh S. Durve and others .. Applicants

Vs.

The State of Maharashtra & Anr. .. Respondents

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Ms. Prateeti Thakar i/b Archit Chaturvedi holding for FF &
Associates Advocate for Applicants

Mr. S.R.Shinde A.P.P. for the State

Mr. Omneel Jadhav Advocate for Respondent No.2

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

DATED : FEBRUARY 16, 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. 27 of 2017 of Bhoiwada Police Station, Mumbai. The said case is under Sections 498-A, 377, 323, 504, 506 read with Section 34 of IPC. The said case is pending before the learned Metropolitan Magistrate, 29th Court, Bhoiwada, Mumbai.

3 Heard the learned counsel for the applicants-accused

nos. 1 to 3, learned counsel for the respondent no. 2 - complainant and the learned A.P.P. for the State. The complainant - respondent no.2 is the wife of applicant no.1, applicant nos. 2 and 3 are the parents of applicant no.1, thus, they are in-laws of the complainant.

4 The applicants and the complainant i.e. respondent no.2 are present before the Court. The complainant has stated that said FIR was lodged on account of a matrimonial dispute. She has stated that thereafter the matter has been amicably settled between the parties, hence, she does not wish to pursue her case against any of the applicants. Thus, she has prayed that FIR No. 27 of 2017 and proceedings relating thereto, be quashed. She has also tendered affidavit wherein she has stated that the dispute has been amicably settled and she has no objection to the application being allowed. The said affidavit along with xerox copy of her Election Card 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 her case against 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. 27 of 2017 of Bhoiwada Police Station, Mumbai and proceedings relating thereto, are quashed.

7 Application is allowed in above terms and is disposed of accordingly.

M.S.KARNIK, J.

ACTING CHIEF JUSTICE