

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION (APL) NO. 941 OF 2017***

Krumal Vilas Deshmukh & Ors.	Applicants
Versus	
Mrs. Vaishali Krunal Deshmukh & Anr.	Respondents

Mr. Jayesh Kocheta a/w Ms. Alifiya Palitanawala, for the applicants.
Mr. V.S. Babar, for the Respondent No.1.
Mrs. P.P. Shinde, APP, for the State.

***CORAM : RANJIT MORE AND
SMT. SADHANA S. JADHAV, JJ.
DATE : 7th March, 2018.***

P.C. :

Heard learned counsel for the applicant, learned counsel for respondent No.1 and the learned APP for the State.

2. The above Application is filed under section 482 of Code of Criminal Procedure 1973 for quashing the proceedings of Regular Criminal Case No.110 of 2016 pending on the file of learned Judicial Magistrate, First Class, Court No.2, Vashi, District Thane. The said case arises out of registration of FIR No.247 of 2015 with Rabale Police Station, Vashi, District Thane at the instance of respondent No.1 for the offences punishable under Sections 498A, 406, 504, 506 read with Section 34 of the

Indian Penal Code, 1860.

3. The petitioner No.1 and respondent No.1 are husband and wife. Petitioner Nos. 2 and 3 are the relatives of petitioner No.1.

Matrimonial dispute between the parties gave rise to the registration of the subject FIR which was investigated and charge-sheet is filed.

4. Learned counsel appearing on behalf of the respective parties submitted that pending the trial of Regular Criminal Case No.110 of 2016, the parties have settled their dispute amicably and filed Consent Terms in M.C.A. No.170 of 2015. The said Consent Terms read as follows :-

“1. Mr. Krunal Deshmukh and Mrs. Vaishali Deshmukh both agreed to withdraw all the allegations made against each other in the above said proceedings.

2. Petitioner Krunal Deshmukh filed Petition for annulment bearing no. PA-435-2015, in Court No.2 at Pune on 15th April 2015 and Mrs. Vaishali Deshmukh has filed a criminal complaint U/s. 498 r/w other section against Krunal Deshmukh and his relatives bearing F.I.R.no.247-2015 dated 1st July 2015 at Rabale police station. But now both the parties agreed that they are ready to file divorce by mutual consent U/s 13B of Hindu Marriage Act. at Thane Court, Thane.

3. Mr. Krunal Deshmukh will withdraw a petition PA-435-2015

for annulment filed at Pune Court.

4. Petitioner Krunal Deshmukh will apply for quashing of F.I.R. in Bombay High Court after filing consent Petition and Respondent will co-operate for quashing the said F.I.R.

5. Both parties got married on 11th May 2014 at Karjat and staying separately from 20th September 2014.

6. Both the parties agreed that Mr. Krunal Deshmukh will hand over articles mentioned in the list 'A' attached herewith to Mrs. Vaishali Deshmukh at the time of final decree.

7. Both the parties agreed that Mr. Vaishali Deshmukh will handover articles mentioned in the list 'B' attached herewith to Mr. Krunal Deshmukh at the time of final decree.

8. Both the parties agreed that Krunal Deshmukh will pay Lump sum alimony of Rs.7,00,000/- (Rs. Seven Lakhs only) to Mrs. Vaishali Deshmukh by pay order issued in her maiden name Vaishali Arun Hindurao at the time of Final decree in concerned Court and she will not claim any maintenance for past, present and future from Krunal Deshmukh.

9. Both parties agreed that they will file mutual consent Petition in Thane Court and both parties will co-operate each other for same.”

5 In pursuance of the consent terms, the parties have approached this Court for quashing the proceedings of the said

Criminal Case No.110 of 2016.

6. Respondent No.1 has also filed an affidavit dated 5.3.2018. In para 6 thereof, she has given her consent for quashing the said Criminal Case. The respondent No.1 is personally present before the Court. On specific query, she stated that she has gone through the Application and the affidavit and understood the contents of the same. She also stated that she has no objection for quashing and setting aside the proceedings of the said Criminal Case as the dispute between herself and the petitioner No.1 is amicably settled.

7. In the light of the above, especially in view of the decision of the Apex Court in the case of **B.S. Joshi vs. State of Haryana AIR 2003 SC 1386,** we are of the view that quashing of the Criminal Case would be in the interest of the parties. In that view of the matter and in the interests of justice, the proceedings of the subject criminal case are quashed. The Application is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

[SMT. SADHANA S.JADHAV, J.]

[RANJIT MORE, J.]