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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 368 OF 2021

Himanshu G. Mathur and ors.

... Applicants

V/s.

State of Maharashtra and anr.

... Respondents

Mr. Datta Mane for the Applicant.

Mr. K.V. Saste, APP for the Respondent – State.

Mr. P. S. Manjrekar for Respondent No.2.

Ms Cheetal H. Mathur, Respondent No.2 present.

CORAM : NITIN JAMDAR &
N.R. BORKAR, JJ.

DATE : 24 JUNE 2022.

P.C.

. By this application, the Applicants have sought the following relief:

“a) this Hon’ble Court may be pleased to quash the proceedings in respect of CC No.1702378/PW/2015, pending before the Hon’ble Court of 17th M.M. Court at Borivali, Mumbai arising out of C.R. No.79 of 2015, registered with Samta Nagar Police Station, Mumbai for the offences u/s.498-A, 406 and 34 of Indian Penal Code on such terms and conditions as this Hon’ble Court may deem fit and proper in the circumstances of the present case.”

2. The learned Counsel for the Applicants states that the reason for praying this relief is that the Respondent No.2 has given consent for quashing the FIR and the proceedings.
3. The Applicant No.1 is the husband of Respondent No.2. Applicant No.2 is the brother-in-law and Applicant No.3 is mother-in-law of the Respondent No.2. The Respondent No.2 has filed the FIR alleging that she was subjected to mental and physical cruelty and demands of dowry.
4. The learned Counsel for the parties state that the proceedings were filed for divorce under Section 13-B of the Hindu Marriage Act in the Family Court at Jodhpur in Civil Original Suit No. 242 of 2020. The learned Counsel for the Applicants and Respondent No.2 have tendered a copy of order passed by the learned Family Court, Jodhpur dated 29 October 2021, wherein the marriage between the Applicant No.1 and the Respondent No.2 has been dissolved by mutual consent.
5. The learned Counsel for the Applicants states that as regards the cheque of balance amount, which is in the custody of Court at Jodhpur, the Applicants will render all assistance to the Respondent No.2 to encash the same.

6. The affidavit of consent is filed by the Respondent No.2. In the said affidavit, it is stated that she has no objection if FIR lodged by her is quashed in light of settlement. The statement is reiterated by the learned Counsel for the Respondent No.2, on instructions.

7. We have perused the consent affidavit, the order passed by the learned Family Court, Jodhpur and the FIR lodged. Having perused the FIR, it is clear that it was out come of a matrimonial dispute which now stands resolved. Considering the totality of the matter, wherein the parties have settled their dispute amicably, case is made out for quashing the FIR by consent. Keeping the prosecution pending would be needless harassment for all the parties and will impede the settlement process arrived at. Accordingly, Criminal Application is allowed in terms of prayer clause (a).

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)