

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.544 OF 2020

Satyadev Singh Manmohan Singh
Hanspal and Anr.

... Applicants

Vs.

The State of Maharashtra and Ors.

... Respondents

Mrs. Mallika Ingale - Advocate for the Applicants.

Mr. J. P. Yagnik - APP for Respondent-State.

Mr. Siddharth Chandrashekar i.b Mr. Suresh Chandrashekar for
Respondent No.2.

**CORAM : PRASANNA B. VARALE &
S.M. MODAK, JJ.**

DATE : 19th April, 2022

P.C. :

1. This is a Application for quashing of First Information Report No. 12 of 2020 registered with Oshiwara Police Station, for the offences punishable under Sections 498-A, 504, 506 read with Section 34 of the IPC. It is submitted that Section 406 of IPC was added subsequently. It is registered on the complaint of Respondent No.2. She is the wife of Applicant No.1, whereas Applicant No.2 is the Mother-in-law.

2. Their marriage was solemnized on 18th April, 2018 at Worli. After that the spouses along with Applicant No.2 resided at Oshiwara Mumbai. There is an allegation by Respondent No.2 that Applicant No.1 was a drug addict. The Respondent No.2 has graduated herself from University of England. There is an allegation of interference of applicant No.2 in the matrimonial life. Even both the spouses went to psychiatrist. On one occasion Respondent No.2 was required to consult doctor. Even Respondent No.2 realized that Applicant No.1 has not changed his status on Facebook. Both of them have cohabited together till 28th May, 2019. After that Respondent No.2 has returned to her parents house. Respondent No.2 received advocate's notice on 31st May, 2019 sent by Applicant No.1. She was shocked after reading the contents of the notice, then she filed complaint with Oshiwara Police Station, on 5th January, 2020 and offence came to be registered.

3. Both the Applicants were granted anticipatory bail by the Court of Sessions Judge Dindoshi on 17th September, 2020. During pendency of this proceeding both the parties have decided to put an end to their matrimonial life. They have entered into consent terms on 7th March, 2022. The terms are mentioned and its copy filed on the record. The Respondent No.2 has agreed not to claim any maintenance from the Applicant No.1. So also both the parties have exchanged their

ornaments and jewelry. It is mentioned in Para No.3. Present Respondent No.2 has agreed to co-operate the Applicants for quashing of FIR. This consent terms were filed in a divorce Petition filed by Respondent No.2 before Bandra Court.

4. Thereafter they have also entered into a modified consent terms on 7th April, 2022. It is submitted that the Bandra Family Court has granted decree of divorce. The copy of modified consent terms executed before the Learned Marriage counselor Family Court Bandra is also filed on record.

5. The Respondent No.2 has filed an affidavit thereby reiterating the consent terms and shown her willingness for quashing of the FIR. Applicant No.1 has also filed an affidavit.

6. In view of the above, we are inclined to exercise power under Section 482 of Code of Criminal Procedure. Once both the parties have decided to live separately, no purpose will be served by keeping this criminal prosecution pending. There is an order not to file charge sheet. As such charge sheet is not filed. Hence following order is passed:-

ORDER

- (i) Criminal Application No. 544 of 2020 is allowed.
- (ii) FIR No.12 of 2020 registered at Oshiwara Police Station,
for the offences punishable under Sections 498-A, 504,
506 read with 34 of IPC and Section 406 of IPC is
quashed and set aside.

(S.M. MODAK, J.)

(PRASANNA B. VARALE, J.)