
(2015) 01 BOM CK 0329

In the Bombay High Court

Case No : Criminal Writ Petition No. 124 of 2014

Amey Prabhudessai and Others

APPELLANT

Vs

State of Goa and Others

RESPONDENT

Date of Decision : 29-01-2015

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482

Penal Code, 1860 (IPC) — Section 116, 34, 498-A, 506, 509

Citation : (2015) ALLMR(Cri) 3969

Hon'ble Judges : F.M. Reis and K.L. Wadane, JJ.

Bench : Division Bench

Advocate : S.G. Desai, Senior Advocate and Pavithran A.V., Advocate, for the Appellant; D. Lawande, A.P.P. and V.R. Tamba, Advocate, for the Respondent

Final Decision : Disposed Off

Judgement

F.M. Reis, J.—Heard Mr. S.G. Desai, learned Senior Counsel appearing for the petitioners, Mr. D. Lawande, learned Additional Public Prosecutor appearing for the respondent Nos. 1 and 2 and Mr. V.R. Tamba, learned counsel appearing for the respondent No. 3. Rule. Heard forthwith with the consent of the learned counsel.

2. The learned counsel appearing for the respective respondents waive service.

3. The above petition filed under Section 482 of the Criminal Procedure Code inter-alia to quash and set aside an FIR No. 363/2013 dated 30.08.2013 under Sections 498-A , 506 , 509 , 116 read with 34 of the Indian Penal Code. It is pointed out by the learned Senior Counsel appearing for the petitioners that the said FIR was lodged by the respondent No. 3 in connection with the matrimonial dispute between the petitioners and the respondent No. 3. The learned Senior Counsel further submits that the matrimonial dispute has been finally settled by filing consent terms at Exhibit P-4.

4. On perusal of the consent terms, we find that there is a reference therein that

the matrimonial dispute has been amicably settled, the above FIR would also be withdrawn by the respondent No. 3. Considering that the matrimonial dispute has now been settled and in view of the judgment of the Apex Court reported in Gian Singh Vs. State of Punjab and Another, and Another and Yogendra Yadav Vs. The State of Jharkhand, , we find it appropriate to quash and set aside the said FIR dated 30.08.2013.

5. In view of the above and for the reasons stated herein above, Rule is made absolute in terms of the prayer clause (a). The petition stands disposed of accordingly.