
(2012) 11 BOM CK 0030

In the Bombay High Court

Case No : Criminal Application No. 1219 of 2012

Amol Shankar Nagare and Others

APPELLANT

Vs

State of Maharashtra and Another

RESPONDENT

Date of Decision : 06-11-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 34, 406, 498A

Citation : (2013) ALLMR(Cri) 624

Hon'ble Judges : Sadhana S. Jadhav, J;A.S. Oka, J

Bench : Division Bench

Advocate : Ashish Giri instructed by Jay and Co, for the Appellant; M.H. Mhatre, APP for the Respondent No. 1-State and Mr. Santosh H. Chari, for the Respondent

Judgement

A.S. Oka, J.—Rule. The learned APP waives service for the 1st respondent. The learned Counsel for the 2nd respondent waives service. Taken up forthwith for hearing. The prayer is for quashing the criminal proceeding initiated on the basis of the first information report registered at the instance of the 2nd respondent alleging commission of offences under Sections 498A, 406 read with Section 34 of IPC.

2. The learned Counsel appearing for the applicants has invited our attention to the consent terms filed in the pending matrimonial petition before the Family Court. The consent terms record a complete settlement of the matrimonial dispute between the 1st applicant and the 2nd respondent-wife and the amount as provided in the consent terms has been deposited with the Family Court. In the consent terms, it is agreed that after deposit of Rs. 1,60,000/-, the 2nd respondent will cooperate with the applicant for getting the criminal proceedings quashed. The learned Counsel appearing for the 2nd respondent, on instructions, of the 2nd respondent who is personally present in Court states that the 1st applicant has complied with his part of the agreement recorded in the consent terms. In view of the complete settlement of the matrimonial dispute, now

continuation of criminal proceedings will cause undue harassment to both the 1st applicant and the 2nd respondent. Hence, this is a fit case to exercise powers u/s 482 of the Code of Criminal Procedure, 1973. Accordingly, we pass the following order:-

Rule is made absolute in terms of prayer clause (a).