

(2024) 03 MP CK 0005

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 10314 Of 2024

Devesh Gokhale

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 07-03-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 34, 323, 498A, 506

Citation : (2024) 03 MP CK 0005

Hon'ble Judges : Subodh Abhyankar, J

Bench : Single Bench

Advocate : Amar Singh Rathore, Arpit Gupta, Harshlata Soni, Amit Yadav

Final Decision : Allowed

Judgement

Subodh Abhyankar, J

1. Petitioner-Devesh Gokhale and respondent No.2 Neeta Gokhale are present in person.

2] This petition has been filed by the petitioner under Section 482 of the Cr.P.C., 1973, for quashing the FIR bearing Crime No.133/2023 dated 01.03.2023 for offence under Sections 498-A, 323, 506 read with Section 34 of the IPC registered at police station-Sector-1 Pithampur, District Dhar(M.P.), as also for quashing the consequential proceedings pending in the court of Judicial Magistrate First Class, Dhar in RCT No.296/2023.

3] Counsel for the petitioner at the outset, has submitted that the respondent No.2-Neeta Gokhale and the petitioner Devesh Gokhale, who happens to be the brother-in-law of the respondent No.2 have already entered into an out of the court settlement and the respondent No.2 has decided not to pursue the matter. Thus, it is submitted that the petition be allowed and the FIR as also all the consequential proceedings of the trial be quashed. It is also submitted that although the charges have been framed by the trial court however, the evidence

is yet to commence.

4] Counsel appearing for the respondent No.2 has submitted that the respondent No.2 has no objection if the present petition is allowed. The respondent No.2- Neeta Gokhale is also present in the Court and she has been identified by her counsel. A query was made to her by this Court to which, she has submitted that she does not wish to prosecute the matter any further, as she has already entered into a compromise between the petitioner-Devesh Gokhale.

5] Counsel for the petitioner at this juncture, has also drawn attention of this Court to the letter dated 12.1.2024 issued by the Dy. Revenue Commissioner, Bhopal (M.P.) regarding the appointment order of the petitioner on the post of Naib Tehsildar. Thus, it is submitted that this Court may also observe that the present quashment of FIR, which has been arrived at between the parties on the basis of the compromise may not come in the way of the petitioner's employment.

6] Prayer appears reasonable.

7] On due consideration and on perusal of the documents filed on record, including the charge sheet which is also filed on record, this Court finds that it is purely a matrimonial dispute between the parties as the respondent No.2 was already residing with her husband and in-laws at Vadodara; whereas the petitioner is residing in Indore, thus, the usual omnibus allegations have been levelled against him also, in such circumstances, this Court makes it clear that this order of the quashment of the FIR and the further proceedings on the basis of compromise shall not come in the way of the petitioner's present or any future employment.

8] In view of the same, the petition stands allowed and the FIR bearing Crime No.133/2023 for offence under Sections 498-A, 323, 506 read with 34 of Indian Penal Code, 1860 registered at Police Station Sector-I, Pithampur, District-Dhar is hereby quashed and also all the consequential proceedings pending in RCT No.296/2023 before learned JMFC, Dhar, so far as it relates to present petitioner, are also hereby quashed.

9] With the aforesaid, the present petition stands allowed.