

(2012) 01 GUJ CK 0062

In the Gujarat High Court

Case No : Criminal Miscellaneous Application No. 680 of 2012

Manav and Another

APPELLANT

Vs

State of Gujrat and Another

RESPONDENT

Date of Decision : 30-01-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482

Hindu Marriage Act, 1955 — Section 13B

Protection of Women From Domestic Violence Act, 2005 — Section 18, 19, 21, 22

Citation : (2012) 1 DMC 591

Hon'ble Judges : Anant S. Dave, J

Bench : Single Bench

Advocate : U. Vyas, for the Appellant; J.K. Shah, APP. Respondent No. 1, Mr. Vishal B. Mehta Advocate Respondent No. 2, for the Respondent

Final Decision : Allowed

Judgement

1. Rule. Service is waived. Upon the joint request made by the learned Advocates for the parties, this matter is taken up for final disposal. This application u/s 482 of the Code of Criminal Procedure, 1973 [for short, "the Code"] is filed by the applicants to quash Criminal Case No. 61 of 2011 filed by respondent No. 2 before the Metropolitan Magistrate Court No. 25, Ahmedabad, for the offences punishable under Sections 18, 19, 80, 21 and 22 of the Protection of Women from Domestic Violence Act, 2005.

2. Heard the learned Advocates for the parties.

3. It is submitted that the applicants as well as respondent No. 2, original complainant, are present in the Court. They produced on record notarized consent terms dated 17.1.2012 filed by them, signed in presence of the witnesses, and they have agreed to settle the dispute amicably. It is further submitted that a joint petition u/s 13B of the Hindu Marriage Act is filed before the Family Court, Ahmedabad, for obtaining a decree for divorce by mutual consent and the dispute about ornaments, etc. is also now settled as demand

draft of Rs. 1,33,000 is handed over in the name of respondent No. 2. Thus, the parties have decided to live their life separately but peacefully and no grievance now survives. Considering the above, the impugned complaint pending before the Metropolitan Magistrate Court No. 25, Ahmedabad, if allowed to proceed further, would cause mental agony and undue hardship to the parties.

4. Considering the overall facts and circumstances of the case and in view of amicable settlement and considering the nature of dispute, in my view, relegating them to undergo the rigours of trial is not just and proper. Hence, a case is made out to exercise powers u/s 482 of the Code to secure ends of justice and, accordingly, Criminal Case No. 61 of 2011 filed by respondent No. 2 before the Metropolitan Magistrate Court No. 25, Ahmedabad, is quashed and set aside. The application is allowed to the aforesaid extent. Rule is made absolute. Direct service is permitted.