
(2012) 10 BOM CK 0236

In the Bombay High Court

Case No : Criminal Application No. 768 of 2012

Mr. Ankit Sushil Kumar Goyal

APPELLANT

Vs

The State of Maharashtra and Another

RESPONDENT

Date of Decision : 30-10-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Hindu Marriage Act, 1955 — Section 13B
Information Technology Act, 2000 — Section 66(A), 66(C), 67
Penal Code, 1860 (IPC) — Section 292(a), 323, 498A, 506(II), 509

Citation : (2013) ALLMR(Cri) 860

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

Bench : Division Bench

Advocate : Ranvir Shekhawat, for the Appellant; M.H. Mhatre, APP for the Respondent No. 1-State and Mr. Prabhakar B. Parse, for the Respondent

Judgement

A.S. Oka, J.—Rule. Learned APP waives service for the 1st respondent. Learned Counsel appearing for the 2nd respondent waives service. Taken up for final hearing forthwith. This is an application u/s 482 of the Code of Criminal Procedure, 1973 for quashing the offences registered under Sections 292(a), 506(II), 509 of IPC and under Sections 66(A), 66(C) and 67 of the Information Technology Act, 2000. The 2nd respondent is the wife of the applicant. The 2nd respondent is the complainant.

2. Perusal of the complaint on the basis of which offence was registered shows that there appears to be a matrimonial dispute between the applicant and the 2nd respondent and in fact an offence has been separately registered against the applicant at the instance of the 2nd respondent u/s 498A, 323 and other Sections of the Indian Penal Code.

3. Reliance is placed on a Compromise Deed dated 31st March, 2012 executed by and between the applicant and the 2nd respondent. The compromise records that the parties agreed to file a petition u/s 13B of the Hindu Marriage Act, 1955

before the Family Court at Kanpur for seeking divorce by mutual consent. The 2nd respondent agreed to file an affidavit for getting the criminal proceedings disposed of in view of the settlement. There is specific reference to the offence subject matter of this Application under the Compromise Deed.

4. The 2nd respondent has filed an affidavit stating that there is a settlement between herself and the applicant. In the affidavit, she has stated that the applicant has assured that he will not interfere in her personal life and will not blackmail her in whatsoever manner. In view of the assurance given by the applicant and in view of the settlement, the 2nd respondent has no objection for quashing the proceedings.

5. The matrimonial dispute led to registration of the offence. Now the parties have settled the dispute and agreed to apply for divorce by mutual consent in view of the compromise. In view of the assurances given by the applicant, the 2nd respondent has given no objection for quashing the proceedings. In view of the settlement, continuation of criminal proceedings will not serve any purpose. Hence, this is a fit case where powers u/s 482 of the Code of Criminal Procedure, 1973 deserve to be exercised. Hence, we pass the following order:-

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