

(2012) 10 BOM CK 0052

In the Bombay High Court

Case No : Criminal Application No. 1013 of 2012

Mr. Keshav Chandraparakash Chauhan and Others

APPELLANT

Vs

The State of Maharashtra and Another

RESPONDENT

Date of Decision : 15-10-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 406, 498A, 509

Citation : (2013) ALLMR(Cri) 627

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

Bench : Division Bench

Advocate : Mallika A. Ingale, for the Appellant; M.M. Deshmukh, Assistant Public Prosecutor for Respondent No. 1-State and Mr. Sanjay S. Mishra, for the Respondent

Judgement

1. Rule. Learned A.P.P. waives service for first respondent. Learned Advocate appearing for second respondent waives service. Taken up forthwith for final hearing. Prayer in this application u/s 482 of Criminal Procedure Code, 1973 is for quashing the proceeding of criminal case initiated on the basis of offence registered at the instance of the second respondent.

2. The first applicant and the second respondent are husband and wife. The second and fifth applicants are the members of the family of first applicant.

3. The prayer for quashing the criminal proceedings for offences u/s 498A, 406 and 509 of Indian Penal Code is made on the basis of subsequent settlement between the first applicant and second respondent. Second respondent has filed an affidavit-in reply dated 30th August, 2012 in which she has accepted that the first applicant and herself have decided to file a joint petition before the concerned Family Court for obtaining a divorce by mutual consent after finalizing the criminal proceedings.

4. In paragraph 3 of the affidavit, the terms of the settlement have been briefly

set out. In paragraph 4, the second respondent has stated that in view of the settlement, she has no objection for quashing the proceedings.

5. It appears that a matrimonial dispute between the first applicant and the second respondent led to registration of the offence. Hence, continuation of criminal proceedings after the settlement of dispute will cause prejudice to both the parties. Hence, a case is made out for quashing the criminal proceedings. Accordingly, we pass following order:

(i) The Rule is made absolute in terms of prayer clause (b).