
(2013) 02 BOM CK 0030

In the Bombay High Court

Case No : Criminal Application (Apl.) No. 649 of 2012

Mrunali Munesh Lilhare and Others

APPELLANT

Vs

State of Maharashtra

RESPONDENT

Date of Decision : 01-02-2013

Acts Referred:

Citation : (2013) ALLMR(Cri) 3768

Hon'ble Judges : A.P. Lavande, J;A.B. Chaudhari, J

Bench : Division Bench

Advocate : S.K. Ankar, for the Appellant; M. Deshmukh, APP, for the Respondent

Judgement

A.P. Lavande, J.—RULE. Rule made returnable forthwith. The criminal application is heard finally with the consent of the learned counsel for the parties. By this application filed u/s 482 of the Criminal Procedure Code, the applicants seek quashing of criminal proceedings in Criminal Case Nos. 176 of 2008 and Charge Sheet No. 72/2008 and Cri. Case No. 140/2008 pending before Judicial Magistrate First Class Amgaon. The said case has been filed against the applicants 2 to 5 pursuant to First Information Report filed by applicant No. 1.

2. Applicant No. 1 is the wife of applicant No. 2 and applicant Nos. 3 to 5 are close relations of applicant No. 2.

3. It is the case of the applicants that applicants No. 1 and 2 have been divorced pursuant to compromise filed before the Family Court and they have also filed consent terms. It is, therefore the case of the applicants that Criminal Case Nos. 176 of 2008 and Chargesheet No. 72/2008 and Cri. Case No. 140/2008 be quashed. It has been further stated in the consent terms filed before Family Court that an amount of Rs. 2,50,000/- would be paid by applicant No. 2 to applicant No. 1. It has been stated by applicant No. 1 that an amount of Rs. 2.40,000/- has been already paid by applicant No. 2 to applicant No. 1. The applicant No. 2 undertakes to this Court to pay balance amount of Rs. 10,000/- in terms of the consent terms filed, within a period of two weeks. The

undertaking is accepted. The applicant No. 2 shall pay additional costs of Rs. 5000/- to the applicant No. 1 within a period of two weeks.

4. In our view the compromise entered into between the parties is in accordance with the law laid down by the Apex Court in the case of Gian Singh Vs. State of Punjab and Another, . In our considered opinion this is a fit case where criminal proceedings deserve to be quashed. In the result, therefore, proceedings in Criminal Case No. 176 of 2008 Charge Sheet No. 72/2008 and Criminal Case No. 140/2008 pending before Judicial Magistrate First Class Amgaon, are quashed subject to payment of balance amount of Rs. 10,000/- and costs of Rs. 5000/- by applicant No. 2 to applicant No. 1 within a period of two weeks. Upon payment of the said amount criminal proceedings shall stand quashed and the bail bonds executed by applicant Nos. 2 to 6 shall stand cancelled.

Rule is made absolute in the aforesaid terms.