

(2013) 03 BOM CK 0026

In the Bombay High Court

Case No : Criminal Application (Apl) No. 641 of 2012

Pratapsingh and Others

APPELLANT

Vs

The State of Maharashtra and Another

RESPONDENT

Date of Decision : 05-03-2013

Acts Referred:

Citation : (2013) ALLMR(Cri) 3644

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

Bench : Division Bench

Advocate : Jaya Mishra, for the Appellant; A.S. Sonare, APP for Respondent No. 1-State and Shri V.Y. Sonkusare, for the Respondent

Judgement

A.P. Lavande, J.—Heard Ms. Mishra, learned Counsel for the applicant, Shri Sonare, learned Additional Public Prosecutor for respondent No. 1 State and Shri Sonkusare, learned Counsel for respondent No. 2. Rule. By consent of the learned Counsel for the parties and the learned A.P.P., heard forthwith.

2. By this application, the applicants seek quashing of criminal proceedings in Regular Criminal Case No. 304393/2008 pending before the Judicial Magistrate, First Class, Court No. 1, Nagpur. The First Information Report was lodged by respondent No. 2 against the applicants for the offences punishable under Sections 498A, 323, 504 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act. Pursuant to said F.I.R., charge-sheet was filed in the Court of J.M.F.C., Nagpur.

3. Today, the parties have filed individual affidavits, stating therein that they want to settle the dispute amongst themselves. The affidavits are taken on record. Respondent No. 2, in her affidavit, stated that she does not want to proceed with the criminal proceedings in view of the settlement arrived at between her and the applicants. The parties have been identified by the respective Counsel and they have stated that they do not want to proceed further with the matter.

4. The settlement of the dispute by quashing of the criminal proceedings against the applicants initiated at the instance of respondent No. 2 comes within the parameters laid down by the Apex Court in the case of Gian Singh Vs. State of Punjab and Another, . Hence, we are inclined to quash the criminal proceedings initiated against the applicants at the instance of respondent No. 2. In view of the above, the criminal proceedings in Regular Criminal Case No. 304393/2008 pending before the Judicial Magistrate, First Class, Court No. 1, Nagpur for the offences punishable under Sections 498A, 323, 504 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act are quashed. The application stands disposed of accordingly.