
(2008) 02 RAJ CK 0076
In the Rajasthan High Court

Sanjay Bajaj

APPELLANT

Vs

Tarika Bajaj and Others

RESPONDENT

Date of Decision : 22-02-2008

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482

Protection of Women From Domestic Violence Act, 2005 — Section 12, 23

Citation : (2008) 02 RAJ CK 0076

Hon'ble Judges : Ajay Rastogi, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Ajay Rastogi, J.—Instant petition u/s 482, CrPC has been filed against order dt.07/03/2007 passed by Addl. Sess. Judge No. 2, Jaipur City in Cr.Appeal No. 1/2007 filed by complainant which was partly allowed directing petitioner to make payment of Rs. 5,000/ per month as rent for alternate accommodation & Rs. 3,000/-as interim maintenance to complainant & her daughter in addition to Rs. 3500/- payable as per direction of learned Family Court.

2. Complainant is present in person and is lawyer by profession. Unfortunately, matrimonial dispute arose between her and husband (petitioner) and she filed a complaint u/s 12 of the Protection of Women from domestic violence Act, 2005 ("the Act") before ACJM NO.4, Jaipur City who passed ex parte interim order dt.06/02/07 directing petitioner to pay Rs. 10,000/-as maintenance against which petitioner went in appeal, wherein on 14/02/07 appellate court directed trial court to expedite the matter and decide applications of complainant on which trial Court vide order dt.26/02/07 dismissed application of complainant u/s 23 for interim maintenance - against which she preferred appeal which came to be partly allowed directing the petitioner as aforesaid vide order impugned dt.07/03/07. Hence this petition.

3. Pendente present petition, spouse (parties) have arrived at compromise which has been placed on record alongwith application duly signed jointly by them.

Complainant present in person has informed to this Court that FIR-41/2001 & Case No. 1294/05 pending before respective trial courts against which Cr.Msc. Petition u/s 482, CrPC were preferred and the same have been decided by the Co-ordinate Bench of this Court.

4. Both the spouse jointly submit that since compromise has been arrived at between them and they are living together, instant petition be allowed and proceedings initiated at the behest of complainant under the Act pending before trial Judge may be set aside.

5. It is good that spouse have reconciled and have started living together. Parties are present today and are duly represented by their counsel and both have jointly particularly complainant requested that they have settled their matrimonial disputes and she does not want to pursue the matter any further.

6. Since both the parties in instant case are spouse and decided to live together, there cannot be a better proposal with which they have jointly come forward, in such circumstances, if proceedings are allowed to continue, there may be a possibility of bitterness in their relations in the family.

7. Thus viewed, in light of statement made by Counsel representing their respective parties on having agreed to by virtue of compromise produced before this Court, no purpose will be served to proceed further in the matter.

8. Consequently, the misc. petition stands allowed. Criminal proceedings arising out of complaint (NO.55/07) filed by complainant under Protection of Women from Domestic Violence Act, 2005 pending before ACJM NO.4, Jaipur City are hereby quashed and set aside.

9. A copy of this order alongwith certified copy of compromise filed herein be sent forthwith to the trial Magistrate for compliance.