

(2016) 03 BOM CK 0165

In the Bombay High Court

Case No : Criminal Application (Apl) No. 898 of 2015

Shriman Rajesh

APPELLANT

Vs

State of Maharashtra

RESPONDENT

Date of Decision : 08-03-2016

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320, Section 482

Citation : (2016) ALLMRCri 5141 : (2017) 1 MhLJCrI 608

Hon'ble Judges : B.R. Gavai and A.S. Chandurkar, JJ.

Bench : Division Bench

Advocate : Shri V. A. Thakre, APP, for the Respondent/State; Shri Karan Singh Ramesh Gour, Advocate, for the Applicants

Final Decision : Allowed

Judgement

B.R. Gavai, J.(Oral) - Rule. Rule is returnable forthwith and heard by consent of the parties.

2. The present application is filed under Section 482 of the Criminal Procedure Code for allowing the applicant Nos. 1 to 6 and the non-applicant No.2 to compound the proceedings and for quashing the First Information Report No.190/2013 dated 3-6-2013, Charge-sheet No.191/2013 dated 27/9/2013 and Regular Criminal Case No.3910/2013 pending before the 8th Joint Civil judge Junior Division and Judicial Magistrate First Class No.1 Nagpur.

3. The non-applicant No.2 is personally present in the matter and she reiterates about the settlement arrived at between her and the applicants.

4. The non-applicant No.2 is the wife of the applicant No.1. The rest of the applicants are relatives of the applicant No.1. It appears that there is a matrimonial dispute between the applicant No.1 and the non-applicant No.2. On account of said dispute, the non-applicant No.2 had lodged the first information report against the applicants. On the basis of the first information report, the investigation was carried out and the charge-sheet was filed against the present

applicants.

5. However, it appears that during the pendency of the proceedings, the matter has been amicably settled between the applicants and the non-applicant No.2. The non-applicant No.2 has filed an affidavit dated 15-12-2015 wherein she has reiterated the settlement between her and the applicant. The non-applicant No.2 has further stated that on account of lodging of the first information report by her against the applicants, the relations with the applicants have become strained.

6. The Apex Court in B.S. Joshi and others v. State of Haryana & another (2003) 4 SCC 675 has held that if the parties in the matrimonial matter have arrived at the settlement, the Court should exercise power under Section 482 of the Criminal Procedure Code to give an end to the criminal proceedings.

7. We find that this is a fit case wherein this Court should exercise power under Section 482 of the Criminal Procedure Code to give an end to the criminal proceedings arising out of matrimonial dispute.

8. Rule is made, therefore, absolute in terms of prayer clause (b) & (c).