

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 119 OF 2015

Ajay Suresh Chauhan & Ors. .. Applicants

v/s.

The State of Maharashtra & Ors. ..Respondents

Mr. Mahesh V. Devlekar for the applicants
Mr. K.V. Saste, APP for the respondent State
Mr. Ranjeeth Patil for respondent no.2

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED : 18th FEBRUARY, 2015.**

P.C.

1. This application is filed under the provisions of Section 482 of the Cr.P.C. for quashing of Criminal Case No.1419/PW/2014, pending on the file of learned Metropolitan Magistrate, 17th Court at Borivali. The said criminal case arises out of C.R. No.554 of 2013, registered at Samata Nagar Police Station, Kandivali for offence punishable under Sections 498-A, 406, 377 r/w 34 of the IPC, against the applicants at the instance of respondent no.2.

2. The applicant no.1 and respondent no.2 got married on 22.08.2013. Respondent no.2 is the wife of applicant no.1 and rest of the applicants are the family members of applicant no.1.

3. During the pendency of the trial, parties have decided to settle their dispute amicably and agreed for mutual divorce and withdrawal of the criminal proceedings. In pursuance to the understanding arrived at between the present applicants and respondent no.2, respondent no.2 has filed an affidavit dated 2nd January, 2015. The respondent no.2 has reiterated in the affidavit about the settlement arrived at between the parties and they have agreed for mutual divorce. In paragraph 5 of the affidavit, she has prayed for quashing and setting aside the proceedings, which are subject matter of this application. In paragraph 4, she has stated that she is making the said affidavit without any force or coercion.

4. We have perused the FIR. The FIR disclose that applicant no.1 treated the respondent no.2 in most inhuman manner. The statement made in the FIR is corroborated by the medical evidence. Despite the

seriousness of the crime, we are inclined to quash and set aside the proceedings as in our view, that can be in the interest of respondent no.2, looking to the fact that she is a young girl of 23 years and she can start her life afresh. However, at the same time, a heavy cost is required to be saddled on applicant no.1, which can be directed to be paid over to the respondent no.2.

5. We are of the view that the dispute is of personal nature and the ratio in the case of *Narinder Singh Vs. State of Punjab (2014) AIR SCW 2065* would squarely apply to the facts of the present case and as such there is no impediment in quashing the criminal complaint.

6. Application is disposed of in term of prayer clauses (a), subject to payment of the cost of Rs.50,000/- to be paid by applicant no.1 to the respondent no.2. Applicant no.1 shall deposit the said amount in a fixed deposit with any Nationalized bank or Schedule Bank in the name of respondent no.2, for a minimum period of 3 years. The said fixed deposit receipt shall be deposited in the Registry of this

Court within a period of 2 weeks from today. Registry of this Court shall hand over the said fixed deposit receipt to the respondent no.2 on an application made by the respondent no.2. It is made clear that the amount of cost is independent and not liable to be adjusted in any other proceedings initiated by the parties.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)