

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

**CRIMINAL APPLICATION NO. 575 OF 2014
IN
CRIMINAL APPLICATION NO. 339 OF 2013**

Meetaba Ramnarayan Singh ... Respondent No.1.

In the matter between :

Ramnarayan Singh ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mrs. Meetaba Ramnarayan Singh, the Applicant in-person.
Mr. Ramnarayan Singh, original Applicant present in-person.
Mr. Rajesh More, APP for the State.

CORAM : M.L.TAHALIYANI,J.

DATE : 24th FEBRUARY, 2015

P.C. :

1 Heard Mrs. Meetaba Ramnarayan Singh in-person and Mr. Ramnarayan Shitlaprasad Singh in-person, who are original respondent No.1 and applicant in criminal application no. 339 of 2013.

2 Mrs. Meetaba R. Singh (original respondent no.1) has prayed for recall of the order dated 7th August, 2014 passed by this court in criminal application no. 339 of 2013. I

have gone through the said order and the consent terms filed by the original applicant-Ramnarayan and respondent no.1 - Meetaba that were taken on record and the application was disposed of by order dated 7th August, 2014, which is sought to be recalled. I have also gone through the consent terms. Para -6 of the consent terms reads as under :

“6. The Applicant agrees and undertakes to pay the amounts as stated in Clause (2) (4) and (5) and any other condition herein violated by the parties would revive/reopen the proceedings bearing No. CC494/DV/2011 pending before Hon'ble Metropolitan Court, Andheri filed by the Respondent No.1.”

3 It is abundantly clear from para-6 of the consent terms which is part of the order dated 7th August, 2014 passed by this court that in case the applicant-Ramnarayan fails to comply with conditions mentioned in Clause 2,4 and 5 of the consent terms, the criminal case no. 494/DV/2011 pending in the court of Metropolitan Magistrate's Court, Andheri would be revived. In view of the said clause of the consent terms it follows that if the applicant fails to comply with condition nos. 2,4 and 5, the criminal complaint pending under Protection of Women from Domestic Violence Act would get revived. This court, therefore, obviously cannot revoke the earlier order.

The parties have to follow the consent terms. The respondent no.1 - Meetaba has to move the learned Magistrate for reviving the case pending before the Magistrate if the conditions are not complied with by the applicant in criminal application no. 339 of 2013.

4 Respondent no.1- Meetaba is at liberty to take further appropriate proceedings for the arrears and other reliefs.

5 The application stands disposed of.

(JUDGE)

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