

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APL) NO. 312 OF 2015.

Sachin Janardhan Bhagat and anr. ..vs.. State of Mah.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr.M.B.Naidu, Adv. for the applicant no.1.
Mrs.P.M.Chandekar, Adv. for applicant no.2.

**CORAM : B.P.DHARMADHIKARI AND
P.N.DESHMUKH, JJ.**

DATED : JUNE 23, 2015.

Applicant no.1 was husband and applicant no.2 was wife.

The matrimonial discord between the parties led to filing of FIR No.109 of 2011 dated 20th of July, 2011.

Both applicants state that said discord has now been amicably settled on 17th of February, 2015 before the Mediator. The mutual agreement is produced before this Court.

Advocate Naidu has appeared with applicant no.1 and Adv.Mrs.Chandekar appeared for applicant no.2 and informed that applicant no.2 is unable to appear as she is undergoing some training.

Respective counsel and applicant no.1 state that all obligations cast upon parties by mutual agreement are already discharged and marriage between them is dissolved by decree of divorce by mutual consent. Moreover, application is supported by separate affidavit of applicant no.2.

In this situation, as dispute between parties was of purely personal nature without any public law element, as applicant no.2 does not want to prosecute Criminal Case No.2322 of 2011 arising out of FIR in Crime No.109 of 2011 for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code, pending on the file of

Judicial Magistrate (F.C.), Corporation Court no.1, Nagpur, same are quashed and set aside.

Criminal application is accordingly allowed and disposed of.

JUDGE

JUDGE

Chute.