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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.5324 OF 2016

1. Mrs. Suvidha Deepak Uttarwar,
Age: 28 years, Occu: Service
2. Mrs. Surekha Vishnuprakash pankar,
Age: 56 years, Occu: Service
3. Vishnuprakash Pankar,
Age: 61 years, Occu: Retired
4. Suryakant Pankar,
Age: 65 years, Occu: Business,
R/o House No. 286,
Near Datta Mandir, Mardol,
Goa-403404
5. Ritesh Neogi,
Age: 37 years, Occu: Business,
R/o Annapurna Niwas,
Datta Wadi, Mapusa,
Goa
6. Kean Pankar,
Age: 21 years, Occu: Student,

Accused No. 1 to 3 & 6,
R/o F-5, Akash-Darshan Bldg.,
Behind Canara Bank, Ponda,
Goa

..APPLICANTS

VERSUS

1. State of Maharashtra
2. Deepak Ashokrao Uttarwar,
Age: 30 years, Occu: Service,
R/o: Flat No. B-201,
Solitaire Residency,
Near Ganpati Mandir,

(2)

Jagtap Diary Road,
Pimple Saudagar,
Pune

..RESPONDENTS

Mr S. H. Jagiasi, Advocate for applicants;
Mr N. T. Bhagat, A.P.P. for respondent/State
Mr S. G. Rudrawar, advocate for respondent No. 2

CORAM : N.W. SAMBRE, J.

DATE : 18th OCTOBER, 2016

ORAL ORDER :

Heard respective Counsel.

2. On 24th August, 2013 respondent No. 2 got married with applicant No. 1, however, in view of strained relationship after the marriage, Crime No. 162 of 2014 came to be registered against the applicant-wife and her relatives i.e. her father, mother etc., for offence punishable under Sections 420, 468, 380, 506 read with Section 34 of the Indian Penal Code. Learned Magistrate, on 26th July, 2016, has issued process against the accused persons.

3. In the present application, the

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applicants-accused have questioned the said proceedings on the ground that applicant No. 1 and respondent No. 2, who are wife and husband respectively, have decided to part away and as such, submitted proceedings before learned Family Court, Aurangabad vide petition No. F-206 of 2015 under Section 13(B) of the Hindu Marriage Act, 1955 for divorce by mutual consent. It is also brought to my notice that respondent No. 2 by way of settlement has agreed to pay Rs.1,50,000/- towards lump sum permanent alimony and parties were agreed that they shall settle/compound differences/dispute which are in criminal nature and also other civil disputes. In the alternative, it is also agreed between the parties that they shall extend co-operation to each other in getting discharged from the respective offences.

4. Pursuant to notice issued by this Court, respondent No.2 is present before this Court and has appeared through Mr. Rudrawar, learned Counsel.

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5. Respondent No. 2 in categorical terms has accepted the contentions as are raised in paragraph Nos. 15 and 18 of the present application.

6. Respondent No. 2 has also in categorical terms stated before this Court that proceedings as are initiated for divorce by mutual consent are pending before Family Court for compliance of statutory period as prescribed for divorce by mutual consent.

7. No doubt, it is true that offence punishable under Sections 380, 486 and 498-A of the Indian Penal Code are non compoundable.

8. However, looking into the nature of facts, which have prompted the respective parties to lodge first information report against each other, which are based on differences arising out of the strained matrimonial relations and the fact that parties have agreed to part away, in my opinion, it will be appropriate to allow the application. In

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view thereof, proceedings initiated against the present applicants being Regular Criminal Case No. 155 of 2016 is hereby quashed and set aside.

9. Criminal Application, as such, stands allowed in above terms.

(N.W. SAMBRE, J.)

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