

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.97 OF 2016

Mr. Amit Murji Nagda

..... Applicant

V/s

The State of Maharashtra & Anr.

..... Respondents

Mr.R.M. Upadhyay a/w Mr. Manoj Kumar O. Singh for the Applicant.

Ms. M.H. Mhatre, APP for the Respondent No.1/State.

Ms. Payal Jain i/b Mrs. Neeta Karnik for the Respondent No.2.

CORAM : A.S. OKA &

A.A. SAYED, JJ.

DATED : 23 AUGUST 2016

ORDER:

1 Rule. The learned APP waives service for the first Respondent. The learned Counsel appearing for the second Respondent waives service. Forthwith taken up for final disposal.

2 Prayer in this Application under section 482 of the Code of Criminal Procedure, 1973 (for short "CrPC") is for quashing the criminal proceedings initiated at the instance of the second Respondent for the offences punishable under sections 498A, 406 of the Indian Penal Code.

3 The Applicant and the second Respondent are the husband and wife. Reliance is placed on Consent Terms filed in Case No.12A of 2013

pending between the Applicant and the second Respondent in the Court of learned Additional District Judge, Piparia, District Hoshangabad, Madhya Pradesh. A copy of the Consent Terms filed on 12 August 2016 filed in the said case tendered across the bar is taken on record and marked "X-1" for identification. A copy of the Joint Affidavit filed by the parties before that said Court is taken on record and marked "X-2" for identification. As disclosed in the said Affidavits, the learned Counsel appearing for the second Respondent states that second Respondent has received a sum of Rs.7,51,000/- from the Applicant.

4 The Consent Terms record the complete settlement of the matrimonial dispute. The learned Counsel appearing for the parties state that the aforesaid Petition already filed by the second Respondent for restitution of the conjugal rights has been converted into a Petition under section 13B of the Hindu Marriage Act, 1955. We accept the said statement.

5 The matrimonial dispute between the Applicant and the second Respondent led to the registration of the First Information Report. Now there is a complete settlement of the matrimonial dispute. Therefore, continuation of criminal proceedings will cause prejudice to both the parties.

- 6 Hence, the Application must succeed and we pass following order:
- i) Rule made absolute in terms of prayer clause (a).
 - ii) All concerned to act upon an authenticated copy of this order.

(A.A. SAYED, J.)

(A.S. OKA, J.)

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