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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 584 OF 2015

Mr. Yugesh (Vivekanand) Purushottam
Vyas and ors.

.. Petitioners

Vs.

State of Maharashtra and ors.

.. Respondents

Mr. P. G. Karande for petitioners.
Mrs. M. M. Deshmukh, APP for State.
Mr. S. S. Redekar for respondent no.4.

CORAM: NARESH H. PATIL &
PRAKASH D. NAIK, JJ.

JULY 27, 2016.

P.C.

1. Rule. Rule made returnable forthwith. Heard by consent of parties. The parties pray for quashing of complaint.

2. Complainant - Mrs. Nisha Yugesh (Vivekanand) Vyas filed affidavit, wherein, in paras 7 and 8 she has stated as under :-

“7. I say that I appeared before the Hon'ble High Court of Karnataka at Bangalore in Criminal Petition No. 6073 of 2013

filed by Petitioners for quashing the proceedings in case No. C.Misc. 34 of 2013 filed by me against the petitioners No.1 to 4 in the Court of the I.M.M. Traffic Judge, Mayo Hall Unit at Bangalore, under Protection of Women from Domestic Violence Act, 2005 and gave consent for quashing the same and the Hon'ble Court was pleased to quash the proceedings against the Petitioners No.1 to 4 on 11/7/2016.

8. I say that this Hon'ble Court has the jurisdiction to entertain the petition of the petitioners as the major part of the alleged cause of action in the complaint arose within the jurisdiction of this Hon'ble Court. “

3. On the last occasion, the complainant was present in court. She resides at Bangalore. She is represented by a lawyer, who had identified her on the last occasion. Petitioners are present in court and they are identified by their learned counsel. It is submitted that all the petitioners are accused in the subject crime.

4. Learned counsel appearing for the petitioners and respondent no.4 submit that the matter is amicably settled between the parties. The parties had approached the High Court of Karnataka for getting criminal proceeding in C. Misc 34 of 2013 filed under the provisions of Protection

of Women from Domestic Violence Act, 2005 quashed. Said Criminal Writ Petition No. 6073 of 2013 was allowed by Karnataka High Court on 11/7/2016. Photostat copy of the said order is tendered before us, which is taken on record and marked "X" for identification.

5. Learned counsel appearing for the complainant submits that complainant has no objection if the complaint lodged by her is quashed and set aside as the matter is amicably settled between the parties. Copy of the FIR is annexed at Exhibit "J" at page 105 of the petition.

6. It is submitted that the complainant - Nisha filed a private complaint, which was numbered as P.C.R. No. 14320 of 2013 before the VI Addl. Chief Metropolitan Magistrate at Bangalore. By an order dated 29/10/2013, the learned Magistrate directed investigation under Section 156 (3) of Cr. P.C. Consequently, the FIR came to be registered bearing No. 0120 of 2013 by Halasurgate Womens Police Station, 2nd Cross Main Road, Near Corporation, Bangalore 560 002.

7. We have perused the record and considered the submissions. The petitioner no.1 is husband of the complainant. Taking into

consideration the allegations made and relationship between the parties inter se, we are inclined to allow the request made by the contesting parties.

7. The impugned order dated 29/10/2013 passed by the court of VI Addl. Chief Metropolitan Magistrate, Narupatunga Road, Bangalore City, State of Karnataka in P.C.R. No.14320 of 2013, FIR No. 0120 of 2013 registered with the Halasurgate Womens Police Station, 2nd Cross main Road, Near Corporation, Bangalore 560 002 and the consequent filing of charge-sheet, annexed to the petition at Exh."P" (page 153), are hereby quashed and set aside.

8. Rule is made absolute in the above terms.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL,J.)