

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO.518 OF 2015

Mr. Sumeet Rakesh Khanna and Others. .. Applicants

$$V_S$$

1. Mrs. Reena Sumeet Khanna and

2. State of Maharashtra. .. Respondents

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Shri Sameer P. Nangre for the Applicants.

Shri Rupesh Lanjekar for the Respondent No.1.

Dr. F.R. Shaikh, APP for the Respondent No.2.

CORAM : A.S. OKA & P.D. NAIK, JJ

DATED : 6TH MAY 2016

P.C.

1. Not on board. Taken on board.

2. Rule. The Advocate for the first Respondent waives service.

The learned APP waives service for the second Respondent State.

Forthwith taken up for final disposal.

3. This is an Application preferred by the Applicants invoking inherent powers of this Court under Section 482 of the Code of Criminal Procedure, 1973 (for short “CrPC”). The Applicants have challenged the First Information Report (FIR) dated 12th January 2015 registered with Mira Road Police Station, Thane for the offences punishable under Sections 498A read with Section 34 of the Indian

Penal Code. The Applicants have been impleaded as accused in the said FIR. The first Respondent is the Complainant who had initiated the said proceedings.

4. In the FIR, it is alleged that the Complainant was subjected to harassment which is in the nature of matrimonial dispute. On the basis of the said allegation, the impugned FIR was registered.

5. It is pointed out by both the parties who are personally present in the Court that the dispute between the first Respondent and the Applicants has been amicably settled and the first Respondent is not interested in perusing the prosecution against the Applicants.

6. The first Respondent who has lodged the FIR had tendered an affidavit before this Court. In the said affidavit, it is mentioned that the first Respondent and the Applicants have resolved the differences and have settled the matter amicably. It is also mentioned that the Applicant No.1 and the first Respondent desire to give one more chance to their married life. It is further mentioned that the first Respondent and the Applicant No.1 have started residing together from January 2016 and are living peacefully and happily. It is also mentioned that the first Respondent has no objection to quash the proceedings initiated by her against the Applicants which are subject matter of the aforesaid

FIR and which are culminated in the proceedings vide C.C. No.410603 of 2015 and pending in the Court of Joint Civil Judge, Judicial Magistrate, First Class, 9th Court, Thane. The said affidavit is marked as “X-1” for identification.

7. The Applicant No.1 has also submitted an affidavit before this Court. In the said affidavit, it is mentioned that the dispute with the first Respondent has been resolved and they are residing together as husband and wife. It is further mentioned that the Applicant No.1 will immediately apply for registration of marriage and he will take all necessary steps for the said purpose. It is also mentioned that the first Respondent will always have a right to stay in the matrimonial home and he will take proper care of the first Respondent. The said statements are in the nature of undertakings to the Court. The affidavit is taken on record and marked “X-2” for identification.

8. We have gone through the FIR, documents annexed to the Application as well as the affidavits filed by both the first Respondent and the Applicant No.1. We are satisfied that the dispute between the parties is purely of matrimonial nature. Considering the averments made, this is a fit case to exercise powers under Section 482 of the CrPC. Reliance can be placed on the decision of the Apex Court in the case of ***Gian Singh v. State Bank of Punjab***¹. In the said decision, it

1 (2012) 10 SCC 303

has been observed that where the disputes which are purely of private nature or arising out of the matrimonial disputes and where the parties have arrived at an amicable settlement, the High Court in exercise of inherent power under Section 482 of the CrPC can quash the criminal proceedings.

9. Accordingly, we dispose of the Application by passing the following order.

ORDER :

(a) The Rule is made absolute in terms of prayer clause

(a-1) which reads thus:

“(a-1) that this Hon'ble Court may be pleased to quash and set aside proceeding bearing C.C.No.410603/2015, pending before the file of 9th JMFC, Thane.”

(b) The statements made in Paragraph 3 of the affidavit submitted by the Applicant No.1 are hereby accepted as the undertakings given to the Court;

(c) All concerned to act upon an authenticated copy of this order.

(P.D. NAIK, J)

(A.S. OKA, J)