

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 619 OF 2016

Shri Nilesh Mahadeo Matale & Ors.	...Applicants
<i>Versus</i>	
The State of Maharashtra & Anr.	...Respondents

Mr. Sachin Gite, for the Applicants.

Mrs. M.H. Mhatre, APP for Respondent No.1-State.

Ms. Leena Patil, for Respondent No. 2.

CORAM : A.S. OKA &
A.A. SAYED, JJ.
DATE : 20th June 2016

JUDGMENT :

1. Heard learned Counsel appearing for the Applicants, the learned Counsel appearing for 2nd Respondent and the learned APP for the 1st Respondent. By consent, forthwith taken up for final disposal.

2. The prayer in this Application under Section 482 of the Criminal Procedure Code, 1973 (in short "Cr.P.C.") is for quashing the Charge-Sheet for the offences punishable under Section 498-A, 406, 377, 511, 323, 504 read with Section 34 of the Indian Penal

Code.

3. The 1st Applicant is the husband of 2nd Respondent. 2nd Respondent wife is the 1st informant. The other Applicants are members of the family of the 1st Applicant. The learned Counsel appearing for the 1st and 2nd Respondents pointed out the Deed of Settlement dated 29th November 2015 executed between 1st Respondent and 2nd Respondent, which refers to pending proceedings including the Criminal Case which is the subject the matter of this Application. It records that the 1st Applicant and 2nd Respondent have decided to resume cohabitation in the larger interests of their minor son.

4. Page 52 to 54 are copies of the purshis filed by the parties in the three pending proceedings in the Family Court at Nashik. The purshis filed on 4th February 2016 records that the 1st Applicant and 2nd Respondent have been residing together from November 2015. The purshis are for withdrawal of the two proceedings filed by the 2nd Respondent and one filed by the 1st Applicant before the Family Court at Nashik.

5. Today learned Counsel appearing for the 2nd Respondent has tendered an Affidavit of 2nd Respondent which

records that she is residing with the 1st Applicant from November 2015. Learned Counsel appearing for the 2nd Respondent on instructions of the 2nd Respondent who is personally present in the Court reiterated correctness of the statement made in the Affidavit.

6. Perusal of the record shows that matrimonial dispute between the 1st Applicant and the 2nd Respondent lead to the registration of the impugned First Information Report. In view of the documents annexed to the Application which show that now there appears to be a complete settlement of matrimonial dispute, the continuation of criminal proceedings will cause undue harassment to the 1st Applicant and the 2nd Respondent.

7. Hence, in view of the law laid down by the Apex Court in the case of Gian Singh Vs. State Of Punjab & Anr.¹, a case is made out to exercise the powers under Section 482 of the Cr.P.C.

8. Accordingly, we pass the following order:-

- (i) Rule is made absolute in terms of prayer clause (a),
which reads thus :-

*“this Honourable Court may be pleased to quash
and set aside the Charge Sheet No. 1-167 of*

¹ (2012)10 SCC 303

2015 submitted by the Respondent No. 1 before the Learned Judicial Magistrate, First Class at Nashik for the offence punishable under Section 498-A, 406, 377, 511, 323, 504 read with Section 34 of the Indian Penal Code, on such terms and conditions this Honourable Court may deem fit and proper under the circumstances.”

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

[A.A. SAYED, J.]

[A.S. OKA, J.]