

under Section 376, 392, 420 & 506 of the I. P. Code, read with 67(A) of the Information Technology Act, vide C.R. No. 236/2016. It was alleged in the complaint that the Applicant gave false promise of marriage and on the basis of that promise, the complainant had live in relation with him. It is submitted that, later on the complainant came to know that promise given by the Applicant was false, and therefore, she filed the present complaint.

2. The complainant is present in the Court. She has filed affidavit in reply, in which she has stated that she has no objection if the complaint filed by her against the complaint is quashed. She has mentioned that she has received a proposal from a person belonging to her caste, and the complaint filed by her will come in the way of her proposed marriage.

3. The learned counsel appearing on behalf of the Applicant gives an undertaking on behalf of his client that the Applicant will not interfere in any manner in the future life of the complainant, either by filing civil or criminal case against her. Undertaking is accepted. In the affidavit in reply, the complainant has further stated that she may be permitted to withdraw the FIR filed by her.

4. We have interviewed the complainant and she has reiterated whatever she has stated in her affidavit in reply and she has stated that quashing of complaint is in her own interest. All allegations made by both parties against each other are withdrawn and expunged.

5. It is well settled by the catena of judgments of the Apex Court that if the parties are willing to settle criminal dispute, this Court can while exercising its inherent jurisdiction under Section 482 Cr. P.C. can quash the said complaint.

6. Ratio of the judgments in the case of - (i) ***Gian Singh, Appellant Vs. State of Punjab & Anr. [(2012) 10 SCC 303]***; and (ii) ***Narinder Singh & Ors., Appellants Vs. State of Punjab & Anr., Respondents [(2014) 6 SCC 466]*** will squarely apply to the facts of the present case. The Applicant, at present, is in custody. After he is released, he shall given an undertaking to this Court, which is given by his advocate, within four weeks, and copy of said undertaking be given to the complainant (Respondent No. 2). In view of this criminal application is allowed in terms of prayer clause (a), and is accordingly disposed of in the aforesaid terms.

7. In view of disposal of Criminal Application No. 1025/2016, criminal application for bail filed therein, viz. Criminal Application No. 946 of 2016 does not survive, and is accordingly disposed of. So also the application for anticipatory bail filed by the Applicant before the Sessions Court under Section 438 Cr. P.C. does not survive and is accordingly disposed of.

8. We find that in large number of cases, the trial Court or the Sessions Court do not decide the applications for anticipatory or regular bail only because applications for quashing of the complaint are filed in the High Court. We make it clear that merely because application for quashing the complaint is filed in this Court, unless stay is granted to all other proceedings, if any application is filed under Section 438 or 439 Cr. P.C., such applications should be decided on merits and in accordance with law. In the present case, though application for bail was filed on 10.10.2016 and the hearing was over on 19.10.2016, the judgment / order in the said application is not pronounced till today. In the result, Applicant continued to be in jail. It is open for the trial or the Sessions Court to decide such applications in one way or the other, on merits and in accordance with

law, so that even if application for bail is rejected by the Sessions Court, the Applicant can pursue his remedy by filing application in this Court. In the present case, no order was passed by the Sessions Court on the application filed by the Applicant. Copy of this order be communicated to all District & Sessions Courts.

Sd/-

[Ms. NUTAN D. SARDESSAI, J.]

Vinayak Halemth

Sd/-

[V. M. KANADE, J.]