

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.1079 OF 2016

Lalit Dinkar Patil and ors.

...Applicants

v/s.

State of Maharashtra &amp; ors.

...Respondents

...

Mr.Omkar Gopal Nagvekar for the Applicants.

Mr.K.V.Saste, APP for the Respondent No.1.

Mr.Sagar Tambe for the Respondent No.2.

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**CORAM : A.S.OKA &****A.A. SAYED, JJ.****DATED : 28 SEPTEMBER 2016****P.C.:**

Rule. Learned APP waives service for the first Respondent. Learned Counsel for the second Respondent waives service. Forthwith taken up for final disposal. First Applicant and the second Respondent are personally present in Court.

2. The prayer in this Application under section 482 of the Code of Criminal Procedure, 1973 (for short "CrPC") is for quashing the proceedings of the the criminal case for the offences punishable under section 498-A, 406 and 506(2) of the Indian Penal Code.

3. The first Applicant and the second Respondent were husband and wife. In mediation before the learned Mediator, appointed by this Court, the parties arrived at compromise and consent terms were signed on 24 July 2014. Our attention is invited to the judgment and decree dated 3 March 2015 passed by the learned Joint Civil Judge, Senior Division at Thane, by which the marriage between the first Applicant and the second Respondent has been dissolved under section 13(B) of the Hindu Marriage Act, 1955 by mutual consent.

4. The second Respondent has filed an Affidavit stating that in view of the settlement, she has no objection if the criminal proceedings are quashed.

5. We have perused the consent terms executed by the first Applicant and the second Respondent in Mediation proceedings. It is not in dispute that the amount which was to be paid to the second Respondent has been paid and a decree of divorce by mutual consent has already been passed.

6. Therefore, the criminal proceedings which were outcome of the matrimonial dispute cannot be continued, as continuation of the criminal proceedings will cause undue hardship to the Applicants and the second

Respondent. Hence, in the light of the law laid down by the Apex Court in the case of **Gian Singh v/s. State of Punjab and anr.**<sup>1</sup> this is a fit case to exercise the power under section 482 of the Code of Criminal Procedure, 1973.

7. Accordingly, we pass the following order:

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

(b) This Hon'ble Court may please to quash and set aside the proceedings in Regular Criminal Case No.3416/2014 pending before Ld.Judicial Magistrate, First Class, Pune for the offence punishable under sections 498-A, 406, 506(2) of the Indian Penal Code;

**(A.A. SAYED, J.)**

**(A.S.OKA, J.)**

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<sup>1</sup> (2012) 10 SCC 303