

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1081 OF 2017

MANOJ S/O YESPAL BATRA AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...

Advocate for Applicants : Mr. R.A. Jaiswal h/f Mr. N.S. Ghanekar

APP for Respondents: Mr. G.O. Wattamwar

Advocate for respondent No.2: Mr. V.B. Jogdand Patil

.....

CORAM : V. K. JADHAV, J.
DATED : 4th OCTOBER, 2017

PER COURT:-

1. Heard both sides.
2. Learned counsel for the applicants submits that respondent No.2, who happened to be husband of applicant No.2, has lodged the complaint against the applicants for the offences punishable under Sections 452, 323, 324, 325, 504, 506 r.w. 34 of I.P.C. Learned counsel submits that applicant No.2 Richa and respondent No.2 Anurag have filed petition for mutual divorce in the Family Court at Delhi, bearing HMA No. 1177 of 2016. Learned counsel submits that applicant No.2 and respondent No.2 have decided to end their marital relations and as such, they also decided to withdraw the cases filed against each other. Learned counsel submits that in view of ratio laid down by the Supreme Court in the case of **Gian Singh**

vs. State of Punjab and Anr, reported in 2012 AIR SCW 5333, particularly para 57 that the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Learned counsel submits that in the case of ***Narinder Singh and others vs. State of Punjab and Anr, reported 2014 AIR (SCW) 2065,*** in para 31 clause (II), (iv) of the judgment, the Supreme Court has laid down the principles in giving adequate treatment to the settlement between the parties. Learned counsel submits that considering the facts of the present case and the relations between the parties, clause (iv) of para 31 squarely applies to the present case.

3. Respondent No.2 original complainant has also filed his affidavit in reply. It has been stated in the affidavit that the proceedings in R.T.C. No. 77 of 2015 are arising out of misunderstanding between the parties and as such, respondent No.2 Anurag has no objection to quash the said proceeding.

4. In view of ratio laid down by the Supreme Court in the aforesaid two cases and in terms of affidavit in reply filed by respondent No.2 original complainant, I proceed to pass the following

order:-

O R D E R

Writ petition is hereby allowed in terms of prayer clause
“B” and disposed of.

(V. K. JADHAV, J.)

rlj/