

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.356 OF 2017

Ravindra Laxman Khavnekar and others	Applicants
versus	
The State of Maharashtra and another	Respondents

Mr.Satyaram R. Gaud for Petitioners.

Smt.M.H.Mhatre, APP, for State.

Ms.Anamika Vichare with Ms.Malti R. Pawar for Respondent no.2.

CORAM : S.C.DHARMADHIKARI AND
PRAKASH D. NAIK, JJ.

DATE : 12th April 2017

PC :

1. The complainant-wife is present in the Court. She has on 27th March 2017 filed an affidavit in this Court. The advocate assisting the advocate-on-record appearing on behalf of her has duly explained the contents of this affidavit to Respondent no.2 complainant-wife.

2. The first information report ('FIR') was lodged on her complaint alleging offence punishable under Sections 498A, 406, 504 and 323 of Indian Penal Code. Now it is stated that parallel matrimonial proceedings which were going on, are likely to be over and a decree of divorce is likely to be passed in view of consent terms being filed. Secondly, she has given up all her claims not only against Applicant no.1 who is her husband, but against Applicant

nos.2 and 3 as well. She has understood that after payment of permanent alimony which was duly determined by the Family Court and filing of the consent terms dated 14th March 2017, she would have no claims as against the Applicant nos.1 to 3. Even her matrimonial relationship has come to an end.

3. The allegations in the FIR reveal that various sections of Indian Penal Code were invoked only because and as a fall out between the husband and wife. It is because of this matrimonial discord and dispute that the relations between the Applicants and the second Respondent-complainant were strained. She has lodged FIR and voluntarily signed the consent terms in the matrimonial proceedings and accepted payment of permanent alimony, all of which have been acted upon, have resulted in consent affidavit being filed in this Court.

4. The facts peculiar to the present case are not against the larger interest of the society and dispute between the parties being purely a private dispute arising out of matrimonial discord, we allow this criminal application. It is made absolute in terms of prayer clause (b).

(PRAKASH D. NAIK, J.)

(S.C.DHARMADHIKARI, J.)

MST