

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 805 OF 2016

Chandrakant Purushottamdas Jalan. .. Applicant.
Vs
Aarti Chandrakant Jalan and Another. .. Respondents
—
Shri Omkar Gopal Nagwekar for the Applicant.
Dr.F.R.Shaikh, APP for the Respondent No.2.
—

CORAM : A.S. OKA &
SMT.ANUJA PRABHUDESSAI, JJ

DATED : 9TH MARCH 2017

P.C.

1. Notice for final disposal was issued on 23rd July 2016. Though notice is served to the first Respondent, none appears for the first Respondent. The learned APP appears for the second Respondent.

2. The prayer is for quashing the criminal case for the offence punishable under Sections 498A, 323, 504 and 506 read with Section 34 of the Indian Penal Code. The Applicant and the first Respondent are the husband and wife. The First Information Report (FIR) was lodged at the instance of the first Respondent in the year 2014. The chargesheet was filed on 12th September 2014. It appears that thereafter, there was a settlement between the Applicant and the first Respondent. On the basis of the settlement, they agreed to obtain a

decree of divorce under Section 13B of the Hindu Marriage Act, 1955 (for short “the said Act of 1955”). Accordingly, on a joint Petition filed by them being Hindu Marriage Petition No.293 of 2012, by the Judgment and Decree dated 5th July 2016, the learned Joint Civil Judge, Senior Division, Malegaon proceeded to pass a decree of divorce by mutual consent.

3. In the Miscellaneous Civil Application No.280 of 2015 filed by the Applicant in this Court, the consent terms dated 5th May 2016 were filed. The said Miscellaneous Civil Application was disposed of by an order dated 5th May 2016 in terms of the consent terms. Clause 6 of the consent terms provides that the first Respondent will co-operate in quashing the criminal proceedings subject matter of challenge in this Application. It is on the basis of the said settlement arrived at by filing the consent terms that the decree of divorce by mutual consent has been passed. In fact, the learned Joint Civil Judge, Senior Division, Malegaon, has relied upon the said compromise while passing the decree.

4. Therefore, the matrimonial dispute between the Applicant and the first Respondent has come to an end. The first Respondent wife has agreed to cooperate with the quashing of the criminal proceedings. The parties have settled their matrimonial dispute. Therefore, the

continuation of criminal proceedings will be nothing but an abuse of process of law. Hence, this is a fit case to exercise powers under Section 482 of the Code of Criminal Procedure, 1973.

5. Accordingly, we pass the following order:

ORDER :

(a) The 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.57/2015 pending before Ld. Civil Judge, Junior Division and Judicial Magistrate First Class, Malegaon for the offence punishable under section 498-A, 323, 504, 506, r/w 34 of the Indian Penal Code.”

(b) If any amount has been deposited by the Applicant on the basis of the order granting anticipatory bail, on an Application, if made by the Applicant, the concerned Court shall pass an order of refund of the said amount.

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

(SMT.ANUJA PRABHUDESSAI, J)

(A.S. OKA, J)