

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL WRIT PETITION NO. 325 OF 2018

- 1] Pradeep Arjundas Balani,
aged about 39 years, Occ. Business,
- 2] Smt. Savitridevi Arjundas Balani,
aged about 68 years, Occ. Household,
- 3] Sanjay Arjundas Balani,
aged about 36 years, Occ. Business,
- 4] Rajesh Arjundas Balani,
aged about 47 years, Occ. Business,
- 5] Sau. Sakshi Rajesh Balani,
aged about 36 years, Occ. Household,

All R/o. Plot No. 126, Jaripatka,
Nagpur.

PETITIONERS

...VERSUS...

- 1] Smt. Juhi w/o Pradeep Balani,
aged about 32 years, Occ. Service,
R/o. C/o. Geeta Prabhudayal Lalwani,
LIG 43, Housing Board Society,
Near Kukreja Nagar, Jaripatka,
Nagpur..

- 2] State of Maharashtra, through
Police Station Jaripatka, Nagpur.....

RESPONDENTS

 Shri P.N.Rawlani, counsel for petitioners.
 Shri K.M.Nankani, counsel for respondent No.1
 Shri N.R.Rode, counsel for respondent No.2

CORAM: R. K. DESHPANDE AND
ARUN D. UPADHYE, JJ.

DATE : 12th JUNE, 2018.

ORAL JUDGMENT (per Deshpande, J.)

1] Rule made returnable forthwith.

Heard finally by consent of the learned counsels appearing for the parties.

2] This petition seeks quashment of the proceedings of Regular Criminal Case No. 3439 of 2015 pending in Court No. 7, Judicial Magistrate, First Class, Nagpur, in respect of the offence punishable under Sections 498-A and 34 of Indian Penal Code at the instance of respondent No.1 – Smt. Juhi w/o Pradeep Balani, against the petitioners.

3] Notice was issued in this matter by this Court on 19.04.2018. The petitioner No.1 who is husband of respondent No.1 and respondent No.1 herself are personally present before this Court. The learned counsels Shri Navlani and Shri Nandkani identified the parties for whom they are appearing.

4] The consent terms signed by the parties on

06.02.2018 before the Family Court, Nagpur, in the petition for mutual divorce registered as A-1106 of 2017 are placed on record. The petitioner No.1 has agreed to pay an amount of Rs.5,00,000/- to the respondent No.1 towards past, present and future maintenance. Out of it, Rs.1,50,000/- is by way of fixed deposit in the Bank of Maharashtra for a period of six months in the name of respondent No.1 – wife. The petitioner No.1 has paid an amount of Rs.50,000/- to the respondent, which she has acknowledged. The remaining amount of Rs.3,00,000/- has already been deposited by way of demand draft in the Family Court at Nagpur. It is agreed that the custody of the daughter Ovika @ Aradhya will remain with the respondent No.1, wife of petitioner no.1.

5] Thus, the disputes between the parties are settled. Consequently, a petition for mutual divorce is filed and the respondent No.1 – wife has given her 'no objection' for quashment of the proceedings of Regular Civil Case No. 3439 of 2015 pending in Court No.7 of Judicial Magistrate, First Class, Nagpur, for the offence punishable under Section 498-A read with Section 34 of Indian Penal Code.

6] We have verified the fact from the respondent No.1 who is personally present before us and states that she does not want to proceed with the prosecution, as the matter is amicably settled.

7] In view of the aforesaid position which we accepted, the proceedings of Regular Criminal Case No. 3439 of 2015 pending in Court No. 7 of Judicial Magistrate, First Class, Nagpur, for the offence punishable under Section 498-A read with Section 34 of Indian Penal Code against the petitioners is hereby quashed and set aside. The parties have informed that the proceedings under the Domestic Violence Act are already withdrawn. The parties to act on the basis of settlement.

The petition stands disposed of in above terms.

JUDGE

JUDGE

Rvjalit