

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

CRIMINAL APPLICATION (APL) NO.455 OF 2019

(MOHAMMAD YASIN MOHD. NASIR SHEIKH & OTH...VS.. RUKHASANA MOHAMMAD YASIN & ANR.)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Shri Q.M.Qutub Zafar, Advocate for Applicants.
 Shri Muzammil Husain, Advocate for Non-applicant No.1.
 Shri S.M.Ukey, A.P.P. for Non-applicant No.2.

CORAM : Z.A.HAQ AND VINAY JOSHI, JJ.
DATED : MAY 02, 2019.

This is an application in terms of Section 482 of the Code of Criminal procedure seeking quashing of criminal case bearing Regular Criminal Case No.303315 of 2012 pending on the file of Judicial Magistrate First Class, Nagpur. The concerned criminal case was instituted at the instance of a report lodged by the Non-applicant No.1 alleging matrimonial harassment punishable under Section 498-A read with Section 34 of the Indian Penal Code.

With passage of time, after litigating for few years good sense prevailed on the parties and ultimately they have settled the matter before the Family Court. A copy of the 'Consent Terms' is also produced on record wherein some monetary settlement is made and more particularly it is agreed that after disposal of criminal case under Section 498-A of the Indian Penal Code, the non-applicant (wife) is at liberty to withdraw the amount fixed towards compensation. Thus, it conveys that the non-applicant is also keen for disposal of the criminal prosecution on which she would get fruits of the compromise.

Today, the non-applicant No.1 is present in Court and identified by her learned Advocate. She has confirmed the contents of the compromise and reiterated that she has no objection for disposal of the criminal prosecution. As she does not wish to go ahead, she has also filed an affidavit to that effect.

We find that there were several proceedings in between the parties and now the matter is settled. The agreed sum is also deposited in the Family Court, meaning thereby the parties have acted upon the terms. In the circumstances, unless the criminal proceedings are disposed, the non-applicant/ wife would not get the amount of settlement. Moreover, the informant is not interested to go on with the prosecution.

In view of that, we deem it fit to exercise the inherent jurisdiction and to dispose the criminal proceedings in which the very informant has lost interest. We, therefore, **allow** this application and thereby quash and set aside Regular Criminal Case No.303315 of 2012 pending on the file of Judicial Magistrate First Class, Nagpur arising out of Crime No.110 of 2012, registered with Police Station, Sakkardara, Nagpur.

The application stands **disposed** of accordingly.

(VINAY JOSHI, J.)

(Z.A.HAQ, J.)