

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

CRIMINAL APPLICATION (APL) NO. 627 OF 2015

(Shri Dipak s/o Anandrao Dhande & Ors. vs. The State of Maharashtra thr. PSO, PS Tumsar,
District – Bhandara & Anr.)

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

Court's or Judge's orders.

Shri P.S. Tiwari, Advocate for the applicants.
Shri C.A. Lokhande, APP for non-applicant No. 1.
Shri B.N. Mohta, Advocate for non-applicant No. 2.

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**CORAM : P.N. DESHMUKH &
PUSHPA V. GANEDIWALA, JJ.
SEPTEMBER 05, 2019.**

Shri P.S. Tiwari, learned counsel for the applicants and Shri C.A. Lokhande, learned APP for non-applicant No. 1 and Shri B.N. Mohta, learned counsel for non-applicant No. 2 are present. The applicants as well as non-applicant No. 2 – complainant are also present before the Court.

Before the Court, the learned counsel for the parties have referred to joint affidavit of the applicant and non-applicant No. 2, having settled the matter. To a specific query put to non-applicant No. 2, she admits that she do not want

to prosecute her report as the applicant and non-applicant No. 2 have already obtained divorce by mutual consent and non-applicant No. 2 - complainant has received permanent alimony to the extent of Rs.6,00,000/- (Six lakh only).

The affidavit is duly sworn by the applicant and non-applicant No. 2 and also learned counsel for the parties.

In view of the above facts and following the ratio laid down in the case of B.S. Joshi & Ors. vs. State of Haryana & Anr., reported at (2003) 4 SCC 675, application is liable to be allowed, wherein it is held that where parties have settled their matrimonial dispute, this Court should exercise power under Section 482 of the Code of Criminal Procedure to give an end to criminal proceedings. In view of the joint affidavit filed by applicant No. 1 and non-applicant No. 2, who have already obtained divorce by mutual consent, we find that continuation of criminal proceedings would unnecessarily create problem in maintaining harmony in their family lives.

In that view of the matter, Criminal Application is allowed in terms of prayer clause (1). The applicant to deposit costs of Rs.10,000/-

(Rs. Ten thousand only) within a period of three weeks to the Registrar of this Court. On depositing the costs, the same be paid to High Court Bar Association, Nagpur.

JUDGE

JUDGE

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