

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 230 OF 2004**

The State of Maharashtra) ..Appellant
(Orig. Complainant)

Versus

Shri Nitin Chandrakant Shinde)
Age 32 years, Occu: Service)
R/O Police Headquarter,)
Alibag, Tal Alibag., Dist Raigad) ..Respondent
(Orig. Accused)

Ms Anamika Malhotra APP for Appellant
Mr. Vilas Mali for Respondent
Mr. Jamshed Master Amicus Curiae
Ms Swati N Shinde – original complainant present
Mr. Nitin Shinde – Respondent present

**CORAM : K.R.SHRIRAM, J.
DATE : 28th FEBRUARY 2020**

ORAL JUDGMENT. :

1 This is an appeal impugning an order and judgment dated 16-7-2003 passed by the Chief Judicial Magistrate, Raigad-Alibag, acquitting respondent (accused) for the offence punishable under Sections 498A (*Husband or relative of husband of a woman subjecting her to cruelty*), 323 (*Punishment for voluntarily causing hurt*), 504 (*Intentional insult with intent to provoke breach of the peace*) and 506 (*Punishment for criminal intimidation*) of Indian Penal Code.

2 As nobody had appeared for respondent on 14-2-2020, this court appointed Mr. Jamshed Master, as an Amicus Curiae. On 18-2-2020 also as nobody appeared for respondent, the court directed notice be issued to original complainant as well as accused to remain present in court. The learned APP Ms Malhotra says that original complainant (PW-1) Ms Swati Shinde is present in court. The original complainant tenders photocopy of her Adharcard, which is taken on record. Respondent also is present in court and is identified by Mr. Vilas Mali, an Advocate appearing for him.

3 PW-1 says that PW-1 and accused obtained a decree of divorce from Alibaug Family Court on 25-6-2013 and in the consent petition, they have filed consent terms, in which, both agreed to withdraw the charges against each other. The certified copy of the consent terms is tendered by Mr. Mali, which is taken on record and marked "X" for identification. PW-1 states that since they have withdrawn the allegations against each other, the court may dispose of the appeal. The Learned APP says that as of now the offence charged is compoundable and the court in view of the parties having agreed, may dispose of the appeal.

4 Appeal disposed.

5 The learned APP states that the directions contained in paragraphs 5, 6, 7 and 8 of the order dated 18-2-2020 is in the process of being complied with and the list of matters under Section 498A has been prepared and the other list will be prepared soon.

(K.R.SHRIRAM, J.)