

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

934 CRIMINAL APPLICATION NO.2593 OF 2005

RAVINDRA @ RUPESH JANKILAL SHARMA

VERSUS

SAVITA RAVINDRA @ RUPESH SHARMA AND ANOTHER

...

Mrs. M.L. Sangit, Advocate h/f Mr. L.V. Sangit, Advocate for the applicant

Mr. B.V. Virdhe, APP for the respondent No.2

...

AND

935 CRIMINAL APPLICATION NO.2594 OF 2005

RAVINDRA @ RUPESH JANKILAL SHARMA

VERSUS

SAVITA RAVINDRA @ RUPESH SHARMA AND ANOTHER

...

Mrs. M.L. Sangit, Advocate h/f Mr. L.V. Sangit, Advocate for the applicant

Mr. B.V. Virdhe, APP for the respondent No.2

...

CORAM : SMT. VIBHA KANKANWADI AND
RAJESH S. PATIL, JJ.

DATE : 27th JULY, 2022

ORDER :

1 Both the applications have been filed invoking the inherent

powers of this Court under Section 482 of the Code of Criminal Procedure, 1973 to quash the proceedings against the applicant-husband initiated by the respondent No.1-wife. The respondent-wife has filed Regular Criminal Case No.359/2004 contending that the husband has committed offence punishable under Section 494, 109 read with Section 34 of the Indian Penal Code along with the other accused persons as well as by filing Regular Criminal Case No.106/2004 which was then converted in Regular Criminal Case No.21/2005. It is alleged that the accused No.1 has committed offence punishable under Section 498-B, 109, 504, 506 read with Section 34 of the Indian Penal Code.

2 When the matter was on board, this Court by order dated 21.06.2018 observed that the divorce proceedings are pending before Madhya Pradesh High Court between the parties and it would be necessary to consider the order, that is, passed by the Madhya Pradesh High Court. Now, certified copy of the order passed by the Division Bench of the Madhya Pradesh High Court, Bench at Indore dated 28.08.2019 is produced before us. It was the application under Order XXIII Rule 3 of the Code of Civil Procedure seeking decree on the ground of mutual settlement between the parties. In the settlement before the said Court apart from the lump sum payment to the present respondent No.1 she had agreed that she would

withdraw all the cases those are pending before this Court as well as those are pending before Chalisgaon Court, Dist. Jalgaon, and the term that was approved before the said Court was that even if the appellant before the Madhya Pradesh High Court i.e. the wife does not expressly withdraw the cases as agreed, such cases shall be assumed to have been withdrawn, was also recorded and decree was then passed by the concerned Court. In fact, the proceedings before this Court are filed by husband for quashment of the proceedings. In view of the settlement and the severance of the status between the parties as husband and wife no fruitful purpose would be served by keeping the proceedings before the learned Magistrate, Chalisgaon. In view of the settlement the present applicant need not be asked to face the trial and, therefore, by exercising the inherent powers of this Court we allow both the applications and quash the entire proceedings of Regular Criminal Case No.359/2004 and Regular Criminal Case No.21/2005 pending before learned Judicial Magistrate First Class, Chalisgaon, Dist. Jalgaon.

(Rajesh S. Patil, J)

(Smt. Vibha Kankanwadi, J.)