

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 2918 OF 2021
IN
CRIMINAL REVISION APPLICATION NO.241 OF 2021
(corrected as per order dated 3/5/2023)

Pradeep Pandey .. Applicant

Versus

The State of Maharashtra & Anr .. Respondent

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Mr.Kafil A. Khan with Sana Khan and Shakir Qureshi i/b KSK
Legal for the applicant.

Mr.Aayush Pandey for respondent no.2.

Mr.S.R.Agarkar, APP for the State.

CORAM: BHARATI DANGRE, J.

DATED : 24th APRIL 2023

P.C:-

1 Two distinct affidavits are filed in the Criminal Revision Application, one by the applicant Pradeep Pandey, who is present in the Court and another by respondent no.2, Rashmilata Pandey, resident of village Tarna Chungi, Post Office Shivpur, District Varanasi.

2 The affidavit filed by the wife is notarised before a Notary in Varanasi. The said affidavits are taken on record.

3 The applicant has filed a Criminal Revision Application being aggrieved by an order dated 23/9/2021 passed by the Addl. Chief Metropolitan Magistrate, rejecting the

application for discharge in C.C. No. 124/PW/2010. The submission is, the discharge has been turned down despite of an important fact being highlighted that the marriage between the two have been declared null and void by the competent authority and therefore, provisions of Section 498A could not have been invoked.

4 An affidavit filed by respondent no.2 wife categorically state that during the pendency of the proceedings, the parties have mutually decided to settle the discord and a specific statement is made by her, that she do not want to continue with the Case no. 124/PW/2010, pending before the 22nd Metropolitan Magistrate Court at Andheri, and she is ready and willing to withdraw the proceedings and also the allegations made therein.

Apart from this, it is also agreed between the parties that the distinct proceedings which are mentioned in paragraph no.4 of the affidavit shall not be prosecuted by the respective parties.

Pertinent to note that these are the proceedings which are filed by the applicant husband against the wife.

5 A similar affidavit is filed by Pradeep Pandey i.e. the applicant, who has agreed to withdraw the proceedings instituted by him which are mentioned in para-4 and a statement is also made to the effect that he shall not press any dispute for claim

against respondent no.2 in future pertaining to the facts and circumstances of the case.

In the wake of the two affidavits placed on record with the presence of the applicant Pradeep Pandey in the Court, whose identity has been established through his Aadhar Card by Court Sheristedar, I deem it appropriate to accept the undertakings given by the respective parties in the affidavit.

It is also worth to mention that pursuant to the marriage being declared null and void by the Competent Court, the applicant and respondent no.2 have re-married and have progressed ahead in their life and they want to put their quietus to the relationship, which they shared once upon a time.

6 Needless to state that in furtherance of the undertakings, the proceedings which are agreed to be withdrawn shall be withdrawn by both the parties. Since a specific statement is made by the respondent wife that she do not prosecute C.C.No. 124/PW/2010, where a discharge has been refused to the applicant, subject to she withdrawing the proceedings, the Revision Application stand disposed off.

(SMT. BHARATI DANGRE, J.)