

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO. 5430 OF 2014

1. Siddharth s/o Kaduba Kharat
2. Anand s/o Kaduba Kharat
R/o Karmad Tq. & Dist. Aurangabad
3. Parvatabai w/o Kaduba Mokale ... **Applicants**
R/o Ambedkar Nagar, Aurangabad

VERSUS

- 1) The State of Maharashtra
Through Police Inspector
Karmad Police Station, Aurangabad
- 2) Komal w/o Siddharth Kharat ... **Respondents**
R/o Karmad, Tq. & Dist. Aurangabad

Mr. Abhaysinh K. Bhosale, Advocate for applicants
Mr. K. M. Suryawanshi, APP for Respondent No.1-State
Mr. A. A. Pimpalwadkar, Advocate for Respondent No.2

**CORAM : T. V. NALAWADE &
SMT. I. K. JAIN, JJ.**

DATE : 24th March, 2015

JUDGMENT (Per Smt. I. K. Jain, J.)

Rule. Rule is made returnable forthwith by consent of the parties. Writ Petition is heard finally.

2. Learned APP is also heard.

3. The proceeding is filed under section 482 of the Code of Criminal Procedure for quashing the proceedings in Sessions Case No. 26/2013 pending on the file of Additional Sessions Judge, Aurangabad, arising out of FIR in Crime No. 51/2012 registered at Karmad Police Station, District Aurangabad.

4. Respondent No.2 Komal Kharat is wife of applicant No.1 Siddharath. On 02.04.2012 she lodged complaint with Karmad Police Station alleging illtreatment on demand of money at the hands of applicants. On her report, Crime No. 51/2012 for the offences punishable under sections 498-A, 307, 323 read with 34 of the Indian Penal Code came to be registered at Karmad Police Station, District Aurangabad. Investigation was made and charge sheet was filed. The case was then committed to the Court of Sessions.

5. It was submitted by the learned Advocates for the applicants and respondent No.2 that the parties have settled the dispute. According to them, FIR was product of matrimonial dispute between the families. Respondent No.2 and applicant No.1 are residing together as the matter has been amicably settled between them. Therefore, they submitted that FIR and charge-sheet against the applicants be quashed and set aside.

6. Respondent No.2 has filed affidavit at Exh. 49. She has no objection to quash and set aside the FIR and charge-sheet as the matter has been amicably settled between the parties.

7. In view of the above subsequent developments, principal issue which remains for consideration is, whether FIR and criminal proceedings pending against the applicants can be legally quashed and set aside in the circumstances mentioned by the applicants and respondent No.2. In this connection, learned counsel for applicants placed reliance on the decisions of the Hon'ble Apex court in **Dimpey Gujral Vs. Vivek Gujral and others Vs. Union Territory, Through Administrator, U.T. Chandigarh & ors.**¹ and **Narinder Singh and Ors. Vs. The State of Punjab and Anr.**²

8. We have gone through the authorities referred above. The facts in the case of **Narinder Singh** (supra) are identical to the facts in the present case. In both the cases, section 307 IPC was involved and since the parties have settled the disputes, proceedings were quashed.

9. In the present case, evidence is yet to be led in the Court. Parties have not only buried their hatchet but have decided to leave peacefully in future. In view of the compromise between the parties,

¹ MANU/SC/1067/2012

² MANU/SC/0235/2014

there is minimal chance of the witnesses coming forward to support the prosecution case. It would, therefore, be unnecessary to drag the criminal proceedings pending before the Sessions Court. Taking into consideration all these factors cumulatively, we are of the opinion that power under section 482 of the Code of Criminal Procedure Code needs to be exercised.

10. In view of the above, Criminal Application No.5430 of 2014 is allowed. Criminal proceedings in Sessions Case No. 26 of 2013, pending in the Court of Additional Sessions Judge, Aurangabad arising out of FIR in Crime No. 51/2012 registered at Karmad Police Station, District Aurangabad stand quashed and set aside.

11. Rule is made absolute in the aforesaid terms.

(SMT. I. K. JAIN, J.)

(T. V. NALAWADE, J.)