

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 6755 OF 2014

SANTOSH S/O KADUBA KHAMBAT AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. S. J. Rahate
APP for Respondent/State : Mr. S.G. Nandedkar
Advocate for Respondent no.2 : Smt. M. L. Sangeet (appointed)

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CORAM : S.S. SHINDE & A.M. BADAR, JJ.

Dated: March 12, 2015

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PER COURT :-

This application is filed with the following prayer :-

"B. FIR of Crime No.I-24/2014 registered with P.S. MIDC Paithan, Dist. Aurangabad U/Sec. 498A, 324, 323, 506, 34 of I.P. Code against the petitioners be quashed together with the further proceedings taken up on the basis of the said FIR and the said petitioners be exonerated set at liberty."

2. In pursuant to the notices issued to the Respondents, the Respondent No.2 has caused her appearance. We appointed Advocate Smt. M.L. Sangeet to represent the cause of Respondent No.2. The learned counsel appearing for Respondent No.2 has tendered across bar the affidavit of Respondent no.2. The same is taken on record. Para Nos. 1 to 3 of the affidavit read thus :-

"1) I have filed F.I.R. No. I-24/2014 at M.I.D.C.

Police Station, Paithan, District Aurangabad U/Sec. 498-A, 324, 323, 506 r/w. 34 of I.P.C. against my husband Sandeep Kaduba Khambhat, father-in-law Kaduba Trimbak Khambhat, mother-in-law Mankarnabai Kaduba Khambhat, brother-in-law Santosh Kaduba Khambhat and wife of brother-in-law Savita Santosh Khambhat.

2) Petition No.A-202/2014 was filed by Sandeep Kaduba Khambhat in the Court of Principal Judge, Family Court, Aurangabad for divorce. The same was converted for divorce by mutual consent. In that proceeding, the consent terms are filed. It was agreed that, I shall cooperate for disposal of case U/Sec. 498-A of I.P.C. The Principal Judge, Family Court, Aurangabad by order dated 25.02.2015 dissolved the marriage between myself and Sandeep Kaduba Khambhat and decree of divorce by mutual consent as per Section 13-B of Hindu Marriage Act 1955 was passed.

3. In view of this, I have no objection to allow the present Criminal Application and to quash and set aside the F.I.R. No.I-24/2014 registered at M.I.D.C. Police Station, Paithan, District Aurangabad U/Sec. 498-A, 324, 323, 506 r/w 34 of I.P.C. against all accused persons mentioned therein."

3. Respondent No.2 is present before this Court

and stated that, with her free will and without any coercion affidavit is filed. She has no objection to allow the present Criminal Application to quash and set aside the F.I.R. bearing Crime No. I-24/2014 registered with Police Station MIDC, Paithan, Dist. Aurangabad under Sections 498A, 324, 323, 506, 34 of I.P. Code against the applicants and further proceedings based upon the said F.I.R.

4. In the light of the discussion hereinabove, in our opinion since the divorce is taken place by mutual consent and Respondent No.2 has no objection to quash the F.I.R. No fruitful purpose would be served by keeping the proceeding pending. The Supreme Court in the case of **Gian Singh Vs. State of Punjab and another¹** has observed that, the High Court can exercise powers under Section 482 of the Cr.P.C. by accepting the settlement to secure ends of justice and to avoid abuse of process of Court. Keeping in view the principles laid down by the Supreme Court in the case of Gian Singh (supra), we are of the opinion that, this is a fit case where the prayer of the parties for accepting the settlement can be accepted.

5. In the light of discussion in foregoing paragraphs, application is allowed in terms of prayer clause 'B' and same stands disposed of. Rule made absolute accordingly.

(**A.M. BADAR, J.)**

sga/-

(**S.S. SHINDE, J.)**