

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

CRIMINAL APPLICATION NO. 6493 OF 2015

Bandu S/o Shivdas Pawar and Others .. Applicants

Versus

Asha Bandu Pawar and Another .. Respondents

Shri Milind M. Patil (Beedkar) and A. G. Deshmukh,
Advocate for Applicants.
Shri N. S. Kadasale, Advocate for the Respondent No. 1.
Kum. R. P. Gaur, A. P. P. for the Respondent No. 2.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

Date : 10TH DECEMBER, 2015.

PER COURT :-

1. The present application is filed for quashing the proceedings in R. C. C. No. 161 of 2012, registered for offences punishable under Section 498 (A), 323, 504, 506 read with Section 34 of Indian Penal Code.

2. Mr. Patil, the learned counsel for the applicant submits that, the applicant No. 1 and respondent No. 2 herein have settled their disputes. Even the petition is filed for divorce by mutual consent. The parties have amicably settled the matter as such the complaint be quashed.

3. The respondent No. 1 complainant has filed affidavit before the Court. The respondent No. 1 is present in the

Court. She is identified by her advocate. She admits the contents of the affidavit.

4. It appears that, the parties have amicably settled the matter and as stated they have also filed proceedings for divorce by mutual consent.

5. Though, offence under Section 498 (A) is not compoundable still, this Court can consider the settlement arrived at between the parties when, the parties have amicably settled the matter, more particularly, when the offence is arising out of matrimonial dispute. Considering the aforesaid aspect of the matter we accept the said settlement.

6. The criminal proceedings in R. C. C. No. 161 of 2012 initiated on the basis of F. I. R. i.e. Crime No. 25 of 2012 and pending before J. M. F. C., Georai, is quashed and set aside.

7. Criminal application accordingly allowed. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]

sam/Dec. 15