

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

940 CRIMINAL APPLICATION NO. 5260 OF 2016

SIDDHART S/O ASHOK SALUNKE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANR

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Advocate for Applicants : Mr. Waramaa B.R.
Mr. BV Virdhe, APP for Respondents:1;
Mr. PB Pawar For R/no. 2.

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CORAM : S.S. SHINDE & P.R. BORA, JJ.
Dated: December 22, 2016

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PER COURT :-

1) Heard learned Counsel appearing for the parties. Learned Counsel jointly submitted that the parties have amicably settled the dispute amongst them and have decided to withdraw all the litigations against each other. The affidavit of settlement is placed on record. Same has been verified in the Registry by the learned Registrar (Judicial). The Criminal case, which is sought to be compounded and the further request is made for quashing the proceedings of the said criminal case involves the offences under Section 498-A, 323, 504, 506 read with 34 of IPC. The contents of the affidavit of settlement disclose that complainant – Priti and

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accused No.1 Siddharth have filed the petition under Section 13(B) of the Hindu Marriage Act thereby seeking the decree of divorce by consent.

2) Taking into account the facts as aforesaid, there seems no propriety in continuing the proceedings in the criminal case further. The offences involved in the present matter do not fall in the categories of the serious offences like murder, rape and dacoity etc. The criminal prosecution has admittedly arisen out of the matrimonial dispute and the wrong is basically to the victim i.e. complainant – Priti and the offender i.e. accused Siddharth. Now both have amicably settled the dispute between them. Because of the compromise between the offender and the victim, the possibility of conviction is remote and continuation of the criminal proceedings would put to the accused to the great oppression and prejudice and injustice would be caused to him if the criminal proceedings are not quashed. In the circumstance, we do not see any reason for not accepting the request so made in the present application. We are,

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therefore, inclined to allow the application and the same is allowed
in terms of prayer clause (A).

(P.R. BORA, J.)

(S.S. SHINDE, J.)

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