

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application [APL] No. 264 of 2016

- 1. Akash son of Ghanshyam Bhagat,**
aged 31 years,
occupation private,
- 2. Smt. Shraddha widow of Ghanshyam Bhagat,**
aged 60 years,
occupation Housewife,

resident of Plot No. 81,
Chandrakiran Nagar,
Hudkeshwar Road, Nagpur.

- 3. Smt. Kanchan wife of Akash Bhagat,**
aged 26 years,
occupation Private,
resident of C/o Deoraoji
Wadekar, Plot No.94,
Shahu Nagar,
Dattawadi, Nagpur.

..... Applicants.

Versus

The State of Maharashtra,

through Police Station
Officer, P.S. Hudkeshwar,
Tq. & Distt. Nagpur.

.... **Respondent.**

Mr. M.S. Gupta, Adv., for the Applicants.

Mr. M.J. Khan, Addl. Public Prosecutor for the respondent.

**CORAM : B. R. GAVAI AND
MRS. SWAPNA S. JOHI, JJ.**

Date : 04th May, 2016

ORAL JUDGMENT [Per B. R. Gavai, J.]:

01. Rule. Rule is made returnable forthwith. Learned Additional Public Prosecutor Mr. M.J. Khan waives service for respondent sole. Heard learned counsel for the rival parties. By consent of rival parties, this Criminal Application is taken up for final hearing and disposed of by this Judgment and Order.

02. By way of present joint application, the applicants have approached this Court for quashing and setting aside the Regular Criminal Case No. 1797 of 2012 for offence punishable under Section 498-A read with Section 34 of Indian Penal Code, pending before

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learned Judicial Magistrate First Class, Corporation Court No.2, Nagpur.

03. The First Information Report, in question, came to be lodged at the instance of Applicant No.3, who is the wife of Applicant No.1, against the Applicant No. 1 and the Applicant No. 2, who is the mother of the Applicant No.1.

04. The applicant No.1 and the Applicant No.3 were married on 29th May, 2011. However, it appears that soon after the marriage, there was a discord between the Applicant Nos.1 and 3. On account of the same, various proceedings were filed by them against each other. However, the dispute was referred to the Mediator and the mediation has been successful.

05. The Apex Court in the case of **B.S. Joshi & others Vs. State of Haryana & another** [(2003) 4 SCC 675] has held that when the parties have settled their matrimonial dispute, this Court should exercise powers under Section 482, Criminal Procedure Code, to give an end to the criminal proceedings.

06. The Applicant Nos. 1 and 3 are personally present before this Court and they reiterate about the settlement between them. In

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that view of the matter, we find that it is a fit case for exercise of power under Section 482, Criminal Procedure Code.

07. Rule is, therefore, made absolute in terms of Prayer Clauses [a] and [b].

Judge

Judge

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