

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

CRIMINAL APPLICATION NO. 4562 OF 2017

1. Mahesh Dilip Gutte,
Age : 28 years, Occu. Service,
R/o. Vidyanagar Parali-V,
Tq. Parali-V, Dist. Beed.
 2. Laxmibai W/o Dilip Gutte,
Age : 45 years, Occu. Household,
R/o. Arunoday Market, Parali-V,
Dist. Beed.
 3. Arun Ranba Gutte,
Age : 48 years, occu. Medical Practitioner,
R/o. Shivaji Nagar, Parali-V, Dist. Beed.
 4. Dilip Ranba Gutte,
Age : 51 years, Occu. Service,
R/o. D-1102, Sai Residency, Shewadi Belapur,
New Mumbai.
- ... Applicants**

VERSUS

1. The State of Maharashtra,
Through the Officer In-charge of
Parali-V, Police Station, Dist. Beed.
 2. Rutuja W/o Mahesh Gutte,
Age : 26 years, Occu. Household,
R/o. Vidyanagar Parali-V,
Tq. Parali, Dist. Beed.
- ... Respondents**

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Mr Balbhim R. Kedar, Advocate for the applicants
Mrs P. V. Diggikar, APP for respondent/State
Mr B. M. Dhanure, Advocate for respondent No. 2
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CORAM : **S. S. SHINDE &
A. M. DHAVALA, JJ.**

DATE : **18.09.2017.**

ORAL JUDGMENT (PER S. S. SHINDE, J.) :

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the parties and taken up for final disposal at admission stage.

2. This application under Section 482 of the Code of Criminal Procedure has been filed by the applicants/accused taking exception to the FIR bearing C.R. No. 219/2017 dt. 09.05.2017 registered with Parali-V Police Station for the offences punishable u/s 498A, 323, 504, 506 r/w 34 of the Indian Penal Code. The application is filed with following prayer.

“B. The criminal proceeding, bearing RCC No. 170/2017, pending on the file of Ld. JMFC Parali-V, for offence Punishable U/s. 498 (A), 323, 504, 506 r/w Sec. 34 of IPC inclusive of FIR bearing Crime No. 219/2017, dated 09/05/2017, registered with Parali-V Police Station and charge-sheet bearing No. 118/2017 dated 22/07/2017, against the applicants may kindly be quashed.”

3. Pursuant to the notice issued to the respondents, the applicants and respondent No. 2 have filed joint pursis duly verified by them. Parties are present before the court and are identified by their respective counsel. It is stated in para 2 of the said pursis that,

the dispute between the parties has been settled amicably. Respondent No.2 is cohabiting with applicant No. 1 and residing in matrimonial home along with their two children peacefully and without any quarrel. The First Information Report has been lodged by respondent No. 2 out of anger, and now the parties have arrived at the compromise/settlement. They have no grievance against each other. The applicant No. 1 and respondent No. 2 have decided to give importance to the welfare of their family and concentrate on the future of their children. Taking into consideration the improved relationship between the applicants and respondent No. 2, respondent No. 2 has voluntarily and without any coercion agreed for settlement of the dispute between them and therefore prayed for quashing of the FIR.

4. On specific interaction with respondent No. 2, she specifically stated that, she agreed for settlement voluntarily and without any coercion.

5. On interaction with applicant No. 1, he specifically stated that, he will strictly abide by the terms of compromise. He further stated that, he and respondent No. 2 have decided to lead peaceful life keeping in view the interest and betterment of the children, and keeping in view the importance of welfare of the family.

6. Keeping in view the discussion in foregoing paragraphs, in our opinion, the terms of compromise deserve to be accepted. The Supreme Court in the case of Gian Singh Versus State of Punjab and Another reported in (2012) 10 SCC 303, in para 61 observed as under:

61. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz.: (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court.

7. Keeping in view the discussion made herein above, we are of the view that the application deserve to be allowed so as to prevent the further abuse of the process of the court. In the result, the Criminal Application is allowed in terms of prayer clause 'B'.

8. Rule made absolute in the above terms with no order as to costs.

[A. M. DHAVALA]
JUDGE

[S. S. SHINDE]
JUDGE

sgp