

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 685 OF 2017

Abduyl Salam Mazahari & Ors.

.. Applicants

Vs.

The State of Maharashtra & Anr.

.. Respondents

.....

Mr.Prasad L. Gajbhiye, Advocate for the Applicants.
Mr.N.B. Patil, APP for the Respondent - State.
Mr.Jitendra Ranavat, Advocate for Respondent No.2.

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CORAM : PRAKASH D. NAIK, J.

DATED : AUGUST 10, 2017.

P.C. :

This is an application challenging the prosecution launched against the applicants for the offence punishable under Section 498-A, 406 read with 34 of IPC. The trial Court had taken cognizance of the charge-sheet, which order is under challenge in this application.

2 It is submitted by the learned advocate for the applicants as well as learned advocate for respondent no.2 that both the parties have settled the dispute/proceedings. Learned advocate for respondent no.2 tendered an affidavit affirmed on behalf of respondent no.2. In the said affidavit, it is stated that

both the parties have decided to settle the dispute amicably and it is accordingly agreed between respondent no.2 and applicant no.1 that applicant no.1 shall pay an amount of Rs.4,59,000/- as and by way of permanent alimony to respondent no.2. It is submitted that the said amount has been already paid to respondent no.2 by applicant no.1. Respondent no.2 is present in Court. She has stated that she has no objection for quashing the proceedings and she has received the aforesaid amount. Affidavit filed by respondent no.2 is taken on record and marked "X" for identification.

3 In view of the aforesaid circumstances and since the party to the proceedings have resolved the dispute which is on account of matrimonial discord, the proceedings initiated at the instance of respondent no.2 which are subject matter of criminal case pending before the trial Court, can be quashed and set aside.

4 Hence, I pass the following order:

:: ORDER ::

- (i) Criminal Application Nos.685 of 2017 is allowed;

- (ii) The proceedings in C.C.No.1705/PW/2016 arising out of C.R.No.74 of 2017 pending before the Court of Metropolitan Magistrate 60th Court, Kurla, Mumbai are quashed and set aside;
- (iii) Criminal Application is accordingly disposed of.

(PRAKASH D. NAIK, J.)