

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

Criminal Application (APL) No.179 of 2016

(Mohd. Salim S/o. Sheikh Israil Sudagar & another -vs.- State of Maharashtra, thr. PSO, PS
Nagpuri Gate, Amravati, Tq. & Distt. Amravati & another)
with

Criminal Application (APL) No.679 of 2014

(Sau. Zaheda Muhammad Javed & another -vs.- The State of Maharashtra, thr. PSO, PS Nagpuri
Gate, Amravati, Tq. & Distt. Amravati & another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders.

Mr. A.B. Mirza, Advocate for Applicants.
Mr. A.S. Ashirgade, APP for State.

**CORAM : R.K. DESHPANDE &
MANISH PITALE, JJ.**

DATE : 16.08.2017.

These applications have been filed under Section 482 of the Code of Criminal Procedure for quashing F.I.R. No.53 of 2014 dated 10.05.2014, wherein offence under Section 498-A r/w Section 34 of the Indian Penal Code have been registered against the applicants. The applicants in Criminal Application (APL) No.179/2016 are the husband and mother-in-law of the complainant/respondent No.2 and the applicants in Criminal Application (APL) No.679/2014 are the sisters-in-law of the complainant/respondent No.2.

2. During the pendency of these applications, parties have entered into settlement in regard of 31.01.2017, this Court had passed the following order :-

"Non-applicant no.2 is personally present in the Court. She reiterates about the settlement with applicant no.1.

However, the matter cannot be heard today, since the learned Counsel for the applicants is seeking time to file a compromise pursis.

Stand over to 14th February, 2017.

It is made clear that non-applicant no.2 need not remain present on the next date."

3. The fact that the parties have entered into a settlement is evident from pursis dated 18.07.2017 marked as Annexure X for identification. The said compromise pursis has been signed by applicant No.1 and the complainant/respondent no.2 as also their respective counsel. Although the complainant/respondent No.2 is not present in the Court today, while applicant No.1 is present in the Court today, in view of order dated 31.01.2017, it is evident that the complainant has also agreed to the settlement in terms of the compromise pursis. It has been also stated by the counsel for the applicants that the by judgment and order dated 08.05.2017, the Family Court Amravati has declared that the matrimonial tie has come to an end.

4. In view of the above, the counsel for the applicants prays that the applications be allowed. He also

relied upon the judgment of the Hon'ble Supreme Court in **B.S. Joshi vs. State of Haryana, (2003) 4 Supreme Court Cases 675.**

5. Having perused the compromise pursis and in view of the judgment of the Hon'ble Supreme Court relied upon by the counsel for the applicants, we allow these applications and quash the F.I.R. No. 53/2014 dated 10.05.2014 registered against the applicants in both the applications.

JUDGE

JUDGE

waghmare