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IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION NO. 654/2013

(Gopal Vishram Dange and seven others **vs.** The State of Maharashtra
and another)

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

Court's or Judge's order

.....
Mr. Anzar B Mirza, Adv. for applicants
Mr. S.A.Ashirgade, Additional Public Prosecutor for respondent-State

CORAM : **P.N. DESHMUKH &**
MRS.SWAPNA JOSHI,JJ.
DATED : **18th September, 2018.**

Heard.

Applicant no.1-Gopal and respondent no.2-Durga are present along with Advocate Mirza, Advocate for a applicant and learned APP Ashirgade. They have placed on record the compromise *pursis* thereby settling the score whatsoever was between the said parties. The same is taken and record and marked "X" for the purpose of identification.

On enquiry, the respondent no.2 admits that she was married with applicant no.1 on 3rd May 2009 and cohabited only for a period of one month from the date of marriage and since then she is living separately as there was matrimonial discord. Admittedly, there are no issues out of their wedlock. From the compromise *pursis*, it is revealed

that Protection of Women from Domestic Violence Case No.14/2016 pending on the file of learned J.M.F.C. Sangrampur, came to be withdrawn. Similarly, the petition filed for divorce by mutual consent in the Court of Civil Judge, Sr.Dn. Khamgaon, though is pending, as per the parties, the same now fixed on 19.02.2019. The respondent no.2 admits that she had received Rs 8 lakhs by demand draft towards permanent alimony from the applicant no.1 and has waived her right of maintenance and has no complaint against the applicants. The respondent no.2-complainant in Crime No.81/2013, as such, do not intend to prosecute the said report.

Considering the above facts, it is found that the issue between the parties has been settled amicably and even if the proceedings registered vide Crime No.81/2013 proceeds, it would end into an acquittal as respondent no.2, the complainant, would not support the case of prosecution.

Having considered the aforesaid facts and the law laid down in the cases of B.S.Joshi and others vs. State of Haryana and another, reported in (2003) 4 SCC 675 and Gian Singh vs. State of Punjab and another, reported in (2012) 10 SCC 303, the Application is liable to be allowed in terms of the compromise *pursis* on record, thereby quashing FIR No.81/2013 dated 2nd October, 2014

registered at Tamgaon Police Station for of the offence punishable under Sections 498A, 506 read with Section 34 of the Indian Penal Code.

In the result, the Application is disposed of in terms of Prayer Clauses (a-i) and (a-ii) of the Application.

JUDGE

JUDGE

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