

Vidya Amin.

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

**CRIMINAL WRIT PETITION NO. 94 OF 2019**

|                                 |     |             |
|---------------------------------|-----|-------------|
| Ravindra s/o. Eknath Kumavat    | ... | Petitioner  |
| VS.                             |     |             |
| The State of Maharashtra & Anr. | ... | Respondents |

Mr. Dhananjay Thoke a/w. Mr. Abhijit Y. Patil, Advocate for the petitioner.

Ms. Ashwini Jadhav a/w. Sameer Mhatre, Advocate for respondent No. 2.

Mr. Vinod Chate, APP for the respondent No. 1/State.

**CORAM: Mrs.MRIDULA BHATKAR, J.  
DATED: 14<sup>th</sup> January, 2019**

**P.C. :**

Rule. Rule made returnable forthwith. By consent, the Writ Petition is decided finally at the stage of admission.

2. By the judgment and order dated 29<sup>th</sup> September, 2015 passed by the learned Judicial Magistrate First Class, Pune in Regular Criminal Case No. 1931 of 2004, the petitioner is convicted for the offence punishable under section 498A of Indian Penal Code. The petitioner filed Criminal Appeal No. 525 of 2015 challenging the said order, which is pending before the Sessions Court.

3. The learned counsel submitted that the parties have now decided to put an end to their disputes and settle the matter amicably. The parties have agreed to certain amount by way of permanent alimony and also other financial arrangements. Therefore, the parties have approached this Court by filing Writ Petition, invoking writ jurisdiction under Article 227 of the Constitution of India and under section 482 of Cr. P.C., praying that the conviction under section 498A of Indian Penal Code be set aside and he be declared as acquitted from the offence punishable under section 498 of Indian Penal Code.

4. Pursuant to this, the learned counsel for the respondent No. 2 produces the affidavit, which is taken on record and marked as Exhibit-1. In the affidavit, respondent No. 2 has given the number of the cases filed against each other and she has confirmed that the parties have agreed to comprise and withdraw all the above matters pending in the respective Courts as mentioned in the affidavit. So also the parties have agreed to settle the matter for the amount, mentioned in paragraphs 7, 8, 9 and 10.

5. In view of the statements made in the Writ Petition and the averments in the affidavit in respect of the settlement and

compromise to pay and give one flat towards the permanent maintenance, by invoking inherent orders of this Court under writ jurisdiction, following order is passed:

- (i) The judgment and order dated 29<sup>th</sup> August, 2015 passed by the Judicial Magistrate First Class, Pune in R.C.C. No. 1931 of 2004, thereby convicting the petitioner under section 498A of Indian Penal Code, is quashed and set aside;
- (ii) The petitioner shall withdraw his Appeal pending in the Sessions Court, Pune;
- (iii) Both the parties shall withdraw their proceedings filed by them in the Courts as mentioned in the Writ Petition and also in the affidavit.
- (iv) In view of this, the petitioner is declared as acquitted from the offence punishable under section 498A of Indian Penal Code in R.C.C. No. 1931 of 2004;
- (v) Rule is made absolute in terms of prayer clauses (c) and (d) of the Petition.

**(MRIDULA BHATKAR, J.)**