

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.

CRIMINAL APPLICATION (APL) NO.7 OF 2019

(Anand s/o Dwarkadas Gudgilla and others ..vs.. State of Maharashtra, through PSO, PS Kamptee and another)

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

Court's or Judge's orders

 Shri Amit Khare, Counsel for the applicants.

CORAM : P.N. DESHMUKH AND
ROHIT B. DEO, JJ.

DATED : 16-01-2019

Issue notice to the non-applicants.

2. Shri J.Y. Ghurde, learned Additional Public Prosecutor waives notice for non-applicant No.1.

3. Shri Alok Daga, learned Counsel waives notice for non-applicant No.2.

4. Applicant No.1 as well as non-applicant No.2-the complainant are present in person. This application is filed for quashing of Regular Criminal Case 84/2012 pending before the Judicial Magistrate First Class, Kamptee for the offences punishable under Section 498-A read with Section 34 of the Indian Penal Code. The parties present submit that they have entered into a compromise by which the complainant has agreed to accept lumpsum amount of Rs.9,50,000/- from applicant No.1 towards permanent alimony and maintenance as

full and final settlement amount and have further agreed to obtain decree of divorce by mutual consent by filing the same before the competent Court. Non-applicant No.2 makes a statement that she has already received Rs.8,50,000/- from applicant No.1 and further amount of Rs.1,00,000/- shall be received at the rate of Rs.5,000/- per month for twenty months.

5. Having considering the fact of submission between the parties as aforesaid, application is liable to be allowed in view of law laid down in ***B.S. Joshi and Ors. v. State of Haryana and Anr., 2003(3) Scale 214.***

6. In the circumstances, application is allowed in terms of prayer clause (iii) of the same with no order as to costs.

JUDGE

JUDGE

adgokar