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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

902 CRIMINAL APPLICATION NO.1485 OF 2020

**HARSHAL S/O. BHIMRAO MANTE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANR**

...

Mr S. S. Thombre, Advocate for applicants;
Mr S. D. Ghayal, A.P.P. for respondent No.1;
Mr V. B. Patil, Advocate for respondent No.2

**CORAM : RAVINDRA V. GHUGE
AND
B. U. DEBADWAR, JJ.**

DATE : 29th April, 2021

PER COURT:

1. On 26/04/2021, we had passed the following order :-

“1. The learned advocate for both the sides submit that the mediation has been successful. The learned advocate, for the husband and the other applicants, submits on instructions, that a permanent separation amount of Rs.50 Lakhs (Rs. Fifty Lakhs) is agreed upon and the said amount been deposited in the Family Court at Aurangabad. It is further consented that the wife, respondent No.2 herein, is at liberty to withdraw the said amount.

2. The learned advocate representing respondent No.2 submits that the matter has been settled between the parties and if the husband is required to leave India so as to join his employment on 29-04-2021 in Malaysia, he is at liberty to do so, as all the matters between the couple

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pending in the Courts have been agreed to be disposed off. He further requests that the matter may be formally posted on 29-04-2021 for passing orders on disposal, so that he can place the written compromise terms on record.

3. In view of the above, list this application on 29-04-2021 for passing orders. The presence of applicant No.1 is exempted since the parties have already settled the dispute.”

2. A copy of the compromise terms dated 26/03/2021, signed by the learned Advocate representing respondent No.2 is placed before this Court. The said consent terms have been filed in Petition No.84/2021, before the Family Court at Aurangabad. We have taken the said copy (6 pages) on record, which is marked as ‘X-1’ for identification.

3. Shri. Thombre, learned Advocate representing the applicants makes a statement on instructions from applicant No.1 (husband), that as and when the matter comes up before the learned Family Court at Aurangabad in Petition No.84/2021, the husband would be available through virtual Court hearing for confirming his consent for divorce by mutual consent. If the learned Family Court requires the physical presence of the husband, the husband would remain present before the learned Family Court in person, for confirming his consent.

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4. The learned Advocate for the wife, respondent No.2 herein, submits on instructions that the above statement and the acceptance of the compromise terms 'X-1' satisfies respondent No.2 and this application can be allowed in terms of prayer clause 'B'.

5. Prayer Clause 'B' reads as under :-

“B) This Hon’ble Court may be pleased to quash and set aside the impugned FIR bearing it’s Crime No.102/2020 registered with the Police Station, MIDC, CIDCO, Aurangabad under Section 498-A, 323, 504, 34 of Indian Penal Code and for that purpose issue necessary orders;”

6. In view of the above, the statement made by the husband is recorded and considering the terms of compromise 'X-1', this application is allowed in terms of prayer clause 'B'.

(B. U. DEBADWAR, J.)

(RAVINDRA V. GHUGE, J.)

sjk