

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 CRIMINAL APPLICATION NO.1679 OF 2019

NITIN S/O. ANKUSH SAPKAL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANR

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Mr.C.V. Thombre, Advocate for the applicants
Mr.R.V. Dasalkar, APP for the
respondent/State.
Mr.V.P. Savant, Advocate for respondent no.2

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

DATE : 8th APRIL, 2021

PER COURT :-

1. On 01.04.2021, this Court had passed
the following order :-

*"1. By this application, the applicants
have prayed for quashing of the FIR
No.0080 of 2019, registered at Shivaji
Nagar, Police Station, Beed at Beed on
06.03.2019, attracting Sections 498-A,
323, 504, 506 read with Section 34 of
the Indian Penal Code. Respondent No.2
is the informant. Applicant Nos.1 and
respondent No.2 are husband and wife
who are locked in a matrimonial
dispute.*

2. The learned Advocate for the applicants submits that the matrimonial discord has been resolved and the applicant No.1 husband has agreed to pay an amount of Rs.15,00,000/- (Rupees Fifteen Lakhs) to respondent No.2, out of which Rs.7,00,000/- (Rupees Seven Lakhs) have already paid and after this application is allowed by quashing the F.I.R., the remaining amount of Rs.8,00,000/- (Rupees Eight Lakhs) would be paid.

3. The learned Advocate for respondent No.2-informant submits that a short affidavit has been filed on 19.03.2021, consenting for quashing of the F.I.R.

4. We find that the consent terms are not placed before us. So also, the above statements are not set out either in the application, post amendment, or in the affidavit of the informant. In this situation, we cannot pass an order of quashing of F.I.R. by consent. We give an opportunity to the parties to tender their consent terms before us.

5. Stand over to 08.04.2021, for passing orders."

2. The terms of compromise from page Nos.42 to 48 have been placed on record. Copy of the settlement terms in Petition F No.12/2021 before the learned Family Court, Beed, is also placed on record. The learned Advocates for the applicants and respondent no.2 - wife, submit that this application can

be allowed in terms of the compromise from page Nos.42 to 48. They also submit that the various cases, arising out of the matrimonial dispute, have been settled. The wife confirms that she has received Rs.7,00,000/-, as a part payment on 22.03.2021. Applicant no.1 - husband makes a statement to the Court that the remainder amount of Rs.8,00,000/- will be paid to the wife on or before 27.04.2021. It is on this condition of payment of remainder amount, that respondent no.2 - wife agrees for the disposal of this matter in terms of the compromise.

3. In view of the above, by consent of the parties, and in accordance with the terms of compromise from page Nos. 42 to 48, this application is allowed. FIR No.0080/2019, registered on 06.03.2019, at Shivajinagar Police Station, Beed, stands quashed. Consequentially, R.C.C. No.275/2019 can be disposed off by the learned Judicial Magistrate, First Class, Beed.

4. Needless to state, the terms of compromise from page Nos.42 to 48 shall be a part of this order and if any of the parties, seek a certified copy of this order, the

terms of compromise shall be annexed
therewith.

(B.U.DEBADWAR,J.)

(RAVINDRA V. GHUGE,J.)

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