

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

CRIMINAL APPLICATION NO. 1419 OF 2021

Ajay Subhash Bundhe
and others

... Applicants

Versus

The State of Maharashtra
and another

... Respondents

....

Mr. J.V. Deshpande, Advocate for the Applicants.
M. M.M. Nerlikar, A.P.P. for Respondent No.1 / State.
Mr. S.N. Dudhate, Advocate for Respondent No.2.

....

**CORAM : V. K. JADHAV AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 02nd AUGUST, 2021

PER COURT:-

1. Heard finally with consent at admission stage.
2. The applicants have approached this Court under Section 482 of the Code of Criminal Procedure for quashing of the First Information Report bearing No.0622/2018 registered with Police Station CIDCO, Aurangabad and the charge-sheet bearing no.721/2019 for the offence punishable under Sections 498-A, 323, 504, 506, 507 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, pending before 16th Judicial Magistrate, First Class at Aurangabad, on the ground of amicable settlement between the parties.

3. The learned counsel for the applicants submits that the parties have arrived at a settlement.

4. Learned counsel for respondent no.2 submits that respondent no.2 has filed her affidavit-in-reply. Respondent no.2 had lodged the complaint in a heat of anger. However, later on, she has realized her mistake. The couple is blessed with one son aged 5 years and thus, they have decided to focus on his education and the family life. Respondent No.2 has further stated in her affidavit-in-reply that her parents as well as the elder members of both the community have assisted and guided them to arrive at a settlement keeping in view the welfare of their son. Thus, applicant no.1-husband and respondent no.2-wife have decided to continue the matrimonial relations. On 21.05.2021, respondent no.2-wife has gone to her matrimonial home at Jalgaon.

5. In case of *Gian Singh Vs. State of Punjab and another* reported in **(2012) 10 SCC 303**, in para 48, the Hon'ble Supreme Court has framed guidelines for quashing of F.I.R. on the basis of settlement. Guideline (a) is relevant for the present case which is reproduced as under:

“(a) Cases arising from matrimonial discord, even if other offences are introduced for aggravation of the case.

In para 23, the Hon'ble Supreme Court has observed that, no embargo, be in the shape of Section 320(9) of the Cr.P.C., or any other

such curtailment, can whittle down the power under Section 482 of the Cr.P.C.

6. We are thus convinced that the parties have voluntarily arrived an settlement and in terms of the settlement, respondent no.2 is now residing with applicant no.1 at Jalgaon. The couple is blessed with one son and considering his future and educational prospects, the applicant no.1 and respondent no.2 have decided to settle the matter amicably and live their life peacefully together. In view of the same, we proceed to pass the following order :

ORDER

- (i) The criminal application is allowed in terms of prayer clause 'B'.
- (ii) The criminal application is accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE

[V. K. JADHAV]
JUDGE

S.P Rane