

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 CRIMINAL APPLICATION NO.2312 OF 2020

UMESH DNYANDEV DALVI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...

Advocate for Applicants : Mr V.P. Savant
APP for Respondent No.1 : Mr S.P. Deshmukh
Advocate for Respondent No. 2 : Mr A.T. Jadhavar

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

DATE : 4th AUGUST, 2021

PER COURT :

1. Heard finally with consent at admission stage.
2. This application is filed for quashing of the F.I.R of Crime No. 0312/2020 registered with the Police Station, Ambhora, Tq. Ashti, Dist. Beed for the offences punishable under Sections 498(A), 323, 504, 506 and 34 of Indian Penal Code on settlement between the parties.
3. The learned counsel for the applicants submits that the dispute has been amicably settled between applicant No.1 - husband and respondent No. 2 - Pooja (wife of the applicant No. 1). The learned counsel for the applicants submits that in terms of the settlement, respondent No. 2 has now started co-cohabiting with applicant No. 1 and they have decided to live in matrimonial house together peacefully.

4. Learned counsel for respondent No. 2 submits that applicant No. 1 and respondent No. 2 have filed joint affidavit of compromise. They have resolved their matrimonial dispute and decided to live peaceful life. They have started living together at matrimonial house since 18th March, 2021. Applicant No. 1 has undertaken that no further incident of cruelty with respondent No. 2 would cause to which respondent No. 2 - wife has accepted. Thus, respondent No. 2 has given her consent to quash the proceedings registered vide Crime No. 0312/2020, as detailed above.

5. We have also heard the learned A.P.P. for respondent No. 1 – State.

6. In case of ***Gian Singh Vs. State of Punjab and another reported in (2012) 10 Supreme Court Cases 303***, the Hon'ble Supreme Court in para No. 48 has framed guidelines for quashing of F.I.R. on the basis of settlement. The guideline (a) is relevant in 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.”

7. In the instant case, we are satisfied that the parties have amicably settled their dispute voluntarily and in terms of settlement, respondent No. 2 wife has now started residing with her husband at matrimonial house. They want to live their matrimonial life peacefully. They are blessed with one son and considering his welfare and better prospects, settlement has arrived.

8. In view of the above, we pass the following order :-
- (i) The criminal application is allowed in terms of prayer clause 'B'.
 - (ii) Criminal Application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

[V.K. JADHAV, J.]

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