

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO. 312 OF 2018

Mr. Sandeep S/o Bhaskar Gedam and others

Versus

State of Maharashtra, through P.S.O., P.S. Jaripatka, Dist. Nagpur and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Vishwarupe, Adv. h/f Mr. Rajnish Vyas, Adv. for
the applicants.

Mrs. M.A. Barabde, APP for the non-applicant No.1/State.

**CORAM : M.S. SONAK AND
PUSHPA V. GANEDIWALA, JJ.**

DATED : 14th DECEMBER, 2021

Heard Mr. Vishwarupe, learned counsel for the
applicants and Mrs. M.A. Barabde, learned counsel for
the non-applicant No.1/State.

2. Learned Counsel Mr. Vishwarupe has filed a
pursis stating therein that the applicants and respondent
No.2 (complainant) have settled the disputes among
themselves and in pursuance of such settlement even a
decree for divorce by mutual consent has been granted
by the Family Court in A-Petition No.771 of 2019.

3. The record indicates that the First Information
Report No.432/2017 dated 11-07-2017 and Final
Report No.288/2017 dated 10-10-2017 were registered

under Section 498-A read with Section 34 of the Indian Penal Code against the applicants. Now, that the parties have settled their dispute and respondent No.2 does not wish to proceed further in the matter, we see no difficulty in quashing the FIR. This should be considered as per the law laid down by the Hon'ble Supreme Court of India in the case of *B.S. Joshi Vs. State of Haryana and another* reported in (2003) 4 SCC 675.

4. Accordingly, we allow this petition and quash and set aside FIR No.432 of 2017 dated 11.07.2017 and consequently, final report No.288/2017 in RCC. No.3672 of 2017 pending in the Court of learned Judicial Magistrate First Class, Nagpur.

5. The applicants to pay a cost of Rs.10,000/- (Rs. Ten Thousand Only) in favour of the High Court Bar Association, Nagpur and necessary receipt to be filed on record within two weeks from today.

6. It is made clear that this order for quashing of FIR will take effect from date of deposit of costs.

[Pushpa V. Ganediwala, J.]

[M.S. Sonak, J.]