

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

CRIMINAL APPLICATION (APL) NO. 90 OF 2020

Takesh s/o Bharat Mhalas and others

vs.

State of Maharashtra and another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Kshitij Jain, Advocate h/f. Mr.S.S.Dhengale, Advocate
for applicants.

Mr. S.M.Ghodeswar, APP for respondent No.1 State.

**CORAM : MANISH PITALE AND
VALMIKI SA MENEZES JJ.**

DATE : 12/08/2022

By this application, the applicants have sought quashing of First Information Report (FIR) No.576/2019 dated 01/12/2019, registered at Police Station, Washim, District Washim for offences under Section 323, 498-A, 504 and 506 read with 34 of the Indian Penal Code.

2. The respondent No.2 is the wife of the applicant No.1 and the applicant Nos.2 and 3 are her father-in-law and mother-in-law. The dispute between the parties was essentially a matrimonial dispute, leading to initiation of various legal proceedings.

3. During the pendency of the present application, the parties entered into a settlement, as a consequence of which the marriage between the applicant No.1 and respondent No.2, stood dissolved by a divorce decree on 10/06/2021. A copy of the the judgment and order of the competent Court granting such decree is also placed on record.

4. In this backdrop, the respondent No.2 does not wish to pursue the matter any longer and she has no objection to the prayer in the present application being granted.

5. The learned counsel appearing for the applicants and respondent No.2 have stated that the terms of settlement have been acted upon and that therefore, the present application may be allowed.

6. The Hon'ble Supreme Court in the case of *Gian Singh vs. State of Punjab and another (2012) 10 SCC 303*, has held that in such cases where the dispute is essentially matrimonial in nature and with passage of time the parties arrive at a mutually acceptable settlement, the High Court while exercising power under Section 482 of the Code of Criminal Procedure can quash the FIR, since no

purpose would be served in sending the parties to trial.

7. In view of the above, the application is allowed in terms of prayer clause (a) which reads as follows :-

“a) quash and set aside the F.I.R. vide Crime No.576/2019 dated 01/12/2019 (Annexure-1) registered by the respondent No.1 – Police Station, Washim, District Washim for the offences punishable under Sections 498(A), 323, 504, 506 34 of I.P.C.”

JUDGE

JUDGE