

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

CRIMINAL APPLICATION NO.684 OF 2020

Kunal Prakashsing Jamadar
and ors.

..Applicants

Vs.

The State of Maharashtra
and anr.

..Respondents

Mr.R.S.Wani, Advocate for applicants
Mr.A.R.Kale, APP for respondent no.1
Mr.S.T.Kazi, Advocate for respondent no.2

**CORAM : SMT. ANUJA PRABHUDESSAI
AND R.M.JOSHI, JJ.**

DATE : JANUARY 13, 2023

PER COURT :-

At the outset, learned counsel for the applicants seeks leave to amend the prayer clause 'B-1' to substitute "R.C.C. No.154 of 2020" with "R.C.C. No.193 of 2020" and to substitute the words "learned Chief Judicial Magistrate, Nandurbar", with words "learned Judicial Magistrate, First Class, Shirpur". Amendment be carried out forthwith.

2. This is an application under Section 482 of the Code of Criminal Procedure for quashing FIR No.238 of 2018 registered with

Shirpur Police Station, Dist.Dhule, for the offences punishable under Sections 363, 366 and 506 of Indian Penal Code so also the criminal proceedings, i.e. R.C.C. No.193 of 2020 pending on the file of learned Judicial Magistrate, First Class, Shirpur

3. The aforesaid crime was registered pursuant to the FIR lodged by respondent no.2. It is alleged that applicant no.1 had proposed to marry her but she declined his proposal. The respondent no.2 alleged that the applicant herein had forcibly taken her to another town to marry with her.

4. Learned counsel for the applicants and the learned counsel for respondent no.2 state that the parties have settled the dispute amicably. The respondent no.2 filed affidavit, confirming that the dispute has been amicably settled with the intervention of the relatives and other respectable persons. She has placed on record the compromise purshis, wherein they have agreed to withdraw the cases filed against each other, including the matrimonial proceedings.

5. We are satisfied that the settlement is genuine. The respondent no.2, who is present before the Court, has confirmed the

contents of the compromise purshis. The dispute is of private nature. In our view, this is a fit case to exercise power under Section 482 of the Code of Criminal Procedure to quash the FIR and the proceedings.

6. Hence, the application is allowed in terms of prayer clauses (B) and (B-1). Consequently, FIR No.238 of 2018 registered with Shirpur Police Station, Dist.Dhule, for the offences punishable under Sections 363, 366 and 506 of Indian Penal Code so also the criminal proceedings, i.e. R.C.C. No.193 of 2020, pending on the file of learned Judicial Magistrate, First Class, Shirpur, are quashed.

[R.M. JOSHI, J.]

[SMT. ANUJA PRABHUDESSAI, J.]

KBP