

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 CRIMINAL APPLICATION NO.1137 OF 2023

GOPAL TUKARAM MARATHE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicants : Mr. Patil Ujwal Subhash
APP for Respondent No. 1 : Mrs. M.A. Deshpande
Advocate for Respondent No. 2 : Mr. Patil Prafullasing H.

CORAM : MANGESH S. PATIL &
M. M. SATHAYE, JJ.

DATE : 24.03.2023

PER COURT :

Heard.

2. The applicants are seeking quashment of R.C.C. No. 828/2022 pending on the file of the Judicial Magistrate, First Class, Jalgaon in respect of Crime No.60/2022 registered with Jalgaon Taluka Police Station District Jalgaon for the offences punishable under Sections 498A, 323, 504 read with Section 34 of the Indian Penal Code registered at the instance of the respondent No. 2, who happens to be the wife of the applicant No. 1. The applicant No. 2 is his mother.

3. The respondent No. 2 has filed an affidavit in reply *inter alia* stating as to the manner in which the disputes have been settled amicably leading to obtaining a decree for divorce by mutual consent. She has expressly consented for allowing of the application.

4. We have heard both the sides and the learned A.P.P.

5. Applying the principles in the matter of **Gian Singh Vs. State of Punjab**

and ano.; (2012) 10 SCC 303, we do not see any involvement of a public policy or the settlement being arrived with some ulterior motive.

6. The genesis of the dispute was admittedly a matrimonial discord. Not only the offence was registered but few other cases have instituted and the couple had decided to amicably settled the dispute by severing the matrimonial ties.

7. The Application is allowed. R.C.C. No. 828/2022 pending on the file of the Judicial Magistrate, First Class, Jalgaon in respect of Crime No.60/2022 registered with Jalgaon Taluka Police Station District Jalgaon for the offences punishable under Sections 498A, 323, 504 read with Section 34 of the Indian Penal Code is quashed and set aside.

(M. M. SATHAYE, J.)

(MANGESH S. PATIL, J.)

mkd/-