

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

903 CRIMINAL WRIT PETITION NO.457 OF 2023

**MIHIR ANIL BAKRE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...

Advocate for Petitioners : Mr. Sant Tapan Kishor
APP for Respondent No. 1 : Mr. G.O. Wattamwar
Advocate for Respondent No. 2 : Mr. Nitin R. Bhishikar

**CORAM : MANGESH S. PATIL &
ABHAY S. WAGHWASE, JJ.**

DATE : 26.04.2023

PER COURT :

The learned advocate Mr. Bhishikar submits that he has instructions to appear on behalf of the respondent No. 2 and tenders the Vakalatnama. It is taken on record.

2. The petitioners are the husband of the respondent No. 2 and his relatives seeking quashment of F.I.R. No. 109/2018 registered with Ramanand Nagar Jalgaon Police Station District Jalgaon, for the offences punishable under Sections 498A, 406, 323, 504, 506 read with Section 34 of the Indian Penal Code and the charge-sheet as well as the criminal case arising there from bearing Regular Criminal Case No. 567/2018 pending on the file of the Judicial Magistrate First Class, Jalgaon.

3. The learned advocate for the petitioners and that of the respondent No. 2 jointly submit that the dispute arises out of matrimonial discord. The parties have amicably settled the dispute. Terms of compromise have been filed in a proceeding pending before the Family Court at Nagpur. The copies of the terms of compromise filed therein along with the application seeking

divorce by mutual consent under Section 13B of the Hindu Marriage Act, 1955 are produced on the record (Exh. 'D' collectively).

4. Since the offence has been registered pursuant to a matrimonial dispute now that the couple has decided to settle all the disputes and have even filed terms of settlement before the Family Court, in our considered view the proposed compromise cannot be said to be against the public policy.

5. The Criminal Writ Petition is allowed. F.I.R. No. 109/2018 registered with Ramanand Nagar Jalgaon Police Station District Jalgaon, for the offences punishable under Sections 498A, 406, 323, 504, 506 read with Section 34 of the Indian Penal Code and the charge-sheet as well as the criminal case arising there from bearing Regular Criminal Case No. 567/2018 pending on the file of the Judicial Magistrate First Class, Jalgaon, are quashed and set aside.

(ABHAY S. WAGHWASE, J.)

(MANGESH S. PATIL, J.)

mkd/-