

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO. 2240 OF 2022

Sunil s/o Chandraprakash Kharat & others Applicants

Versus

The State of Maharashtra & another Respondents

Mr. R. O. Awasarmol, Advocate for the applicants.
Mr. P. G. Borade, APP for the State.
Mr. S. S. Nade, Advocate for respondent No. 2.

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

DATE : 24th JANUARY, 2023.

PER COURT :

1. At the outset, learned counsel for the applicants seeks leave to amend the prayer clause as to incorporate Charge-sheet/R.C. C. No. 768/2022 which has been filed during the pendency of this application.

2. Leave granted. Amendment be carried out forthwith.

3. This is an application for quashing of First Information Report No. 312/2022 registered with Kadim Jalna Police Station, Tq. & Dist. Jalna and consequential R.C.C. No. 768/2022 pending on the file of learned Chief Judicial Magistrate, Jalna, for offences

punishable under Sections 323, 498-A, 504, 506 read with Section 34 of the Indian Penal Code.

4. The aforesaid crime was registered pursuant to the First Information Report lodged by respondent No. 2. Learned counsel for the applicants and respondents state that the parties have now settled the dispute amicably and that respondent No. 2 is now living with applicant No. 1 and has joined her matrimonial home. Learned counsel for applicants submits that in view of settlement the order dated 5th August, 2020 allowing withdrawal of the application on behalf of applicants No. 1 to 3 be recalled. Learned counsel for respondent No. 2 has no objection for recall of the said order. In view of this, order dated 5th August, 2020 stands recalled.

5. Respondent No. 2 has filed affidavit stating that the First Information Report was filed due to mis-understanding. She has stated that few days after filing of the First Information Report, she joined her matrimonial home and that she has no grievance against the applicant No. 1 or his family members. She has stated that she does not wish to prosecute the application since she is happily residing with her husband.

6. The respondent No. 2 is present before this Court. She confirms contents of the affidavit and states that she has joined her matrimonial home and is living happily with applicant No. 1 and his family members. She has state that she has no grievance against applicant No. 1 or any of his family members. We are satisfied that the settlement is voluntary and genuine. Since applicants and respondent No. 2 have settled the matter amicably, in view of decision of the Hon'ble Apex Court in the case of B. S. Joshi vs. State of Haryana, AIR 2003 SC 1386, we are of the view that this is a fit case to exercise jurisdiction under Section 482 of the Code of Criminal Procedure.

7. Hence, the application is allowed in terms of prayer clause 'B'. Accordingly, First Information Report No. 312/2022 registered with Kadim Jalna Police Station, Tq. & Dist. Jalna and consequential R.C.C. No. 768/2022 pending on the file of learned Chief Judicial Magistrate, Jalna for the offences punishable under Sections 323, 498-A, 504 and 506 read with Section 34 of the Indian Penal Code stand quashed.

(R. M. JOSHI)
Judge

dyb

(SMT. ANUJA PRABHUDESSAI)
Judge