

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3039 OF 2022

Aniket Nitán Shiyal and Ors ...Applicants

Versus

Praneeta Aniket Siyal @ Shiyal & Anr...Respondents

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Mr. A.D. Ostwal, Advocate for the Applicants.

Mr. M. M. Nerlikar, APP, for the Respondent – State.

Mr. L.H. Kawale, Advocate for the Respondent No. 1.

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

DATE : JANUARY 27, 2023

PER COURT :

1. With consent, heard finally at the stage of admission.

2. This is an application under Section 482 of Cr.P.C filed by the aforesaid applicants to quash the first information report no. 125/2022 registered with Shrirampur Police Station, Shrirampur, Dist. Ahmednagar & R.C.C. No. 186/2022 pending on the file of learned JMFC, Shrirampur for the offences punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code.

3. The marriage between the Respondent No. 1 and the Applicant No. 1 was solemnized on 28.04.2019. The Respondent No. 1 thereafter lodged the complaint against the applicants herein alleging that they subjected her to physical and mental cruelty. On the basis of the FIR lodged by the Respondent No. 1, the aforesaid crime came to be registered.

4. Learned Counsel for the Applicants and Respondent No. 1 state that the parties have settled the dispute amicably. They have placed on record the compromise terms which are duly signed by the Respondent No. 1 and the Applicants. Pursuant to the compromise terms the Applicant No. 1 and the Respondent No.1 filed suit for divorce by mutual consent and the said suit has been decreed by judgement and decree dated 08.08.2022. In view of the settlement, both parties have decided to withdraw the proceedings filed against each other.

5. The Respondent No. 1 who is present before this Court confirms that the marriage has been dissolved with mutual consent. She confirms the contents of the consent terms and further states that she has no objection to quash the subject FIR and

criminal proceedings. We are satisfied that both the parties have settled the dispute amicably and the settlement is genuine and voluntary.

6. Considering the dispute is of private nature and in view of the judgement of the Apex Court in the case of B. S. Joshi vs. State of Haryana reported in [AIR 2003 SC 1386], this is a fit case to exercise the discretion under Section 482 of Cr.P.C. Hence, the application is allowed in terms of prayer clause 'b'. Consequently, the FIR no. 125/2022 registered with Shrirampur Police Station, Shrirampur, Dist. Ahmednagar & R.C.C. No. 186/2022 pending on the file of learned JMFC, Shrirampur for the offences punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code are quashed and set aside.

(R.M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J)