

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

917 CRIMINAL WRIT PETITION NO. 1386 OF 2017

**VISHALSINGH VIJAYSINGH GAUR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Petitioners : Mr. Anandsingh Bayas
APP for Respondent No.1-State : Mr. S. D. Ghayal
Advocate for Respondent No.2 : Mr. P. V. Tapse

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

DATE : 28 FEBRUARY 2023

PER COURT :-

1. Learned counsel for the petitioners submits that he is not pressing prayer clause (B).
2. Learned counsel for the petitioners states that during pendency of the petition, petitioner no.1-husband has expired on 09.10.2021. He further states that during lifetime of the husband-petitioner no.1, the matrimonial dispute came to be settled and that the compromise terms were filed in the proceedings bearing D.V No.2/2015 before learned J.M.F.C., Raver. He has also placed on record a copy of the judgment dated 24.09.2021 passed by learned Joint Civil Judge Senior Division, Bhusawal in the petition filed by the parties under Section 13-B of the Hindu Marriage Act.

2. A perusal of the consent terms as well as the judgment reveals that the parties have resolved the matrimonial dispute amicably. Respondent no.2 has given no objection to quash the proceedings. Learned counsel for respondent no.2 also confirms the contents of compromise terms and submits that in view of the settlement between the parties, respondent no.2 is not interested in proceeding with the matter.

3. Considering the fact that the matrimonial dispute has been resolved and in view of the principles laid down by the Apex Court in the case of **B. S. Joshi v. State of Haryana [AIR 2003 SC 1386]**, in our considered view, this is a fit case to exercise the discretion under Section 482 of the Code of Criminal Procedure and to quash the proceedings. As a result, the petition is allowed in terms of prayer clause (A). Consequently, FIR No. 33/2017 registered at Savda Police Station and all the consequent proceedings arising therefrom stand quashed. The criminal writ petition accordingly stands disposed off.

(R. M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J.)

VRE