

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

CRIMINAL APPLICATION NO.3852 OF 2022

Girish s/o Prafulla Gaikwad & ors. ... **APPLICANTS**

VERSUS

The State of Maharashtra & anr. ... **RESPONDENTS**

.....
Mr. D.D. Chaudhari, Advocate for applicants
Mr. M.M. Nerlikar, A.P.P. for respondent No.1.
Mr. Rohit Patwardhan, Advocate for respondent No.2.
.....

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

DATE : 22nd FEBRUARY, 2023

P.C. :

This is an application under Section 482 of the Code of Criminal Procedure to quash the First Information Report No.230/2022, registered with Ramanand Police Station, Jalgaon for the offence punishable under Sections 498-A, 377, 325, 201, 323, 504, 506, 510 read with Section 34 of the Indian Penal Code.

2. Learned counsel for the applicants and respondent No.2 state that during the pendency of the application the

parties have entered into an amicable settlement. It is stated that the parties had filed divorce petition under Section 13(B) of the Hindu Marriage Act and the marriage has been dissolved with consent. It is stated that the respondent No.2 has been paid permanent alimony of Rs.7,51,000/- towards one time settlement. The parties have placed on record application signed by respective parties incorporating the settlement terms. A copy of the judgment dated 7/1/2023 in Petition No.F-283/2022 passed by Family Court, Jalgaon is placed on record.

3. The respondent No.2 is present before us. She concedes that the matter has been amicably settled, that the marriage has been dissolved and she has received permanent alimony of Rs.7,51,000/-. She has accorded no objection for quashing the First Information Report lodged against the applicants.

4. We are satisfied that the settlement is voluntary and genuine. Considering that the parties have settled the matter amicably and in view of the decision in case of **B.S. Joshi Vs. 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. Hence, the application is

allowed. The First Information Report No.230/2022, registered with Ramanand Police Station, Jalgaon for the offence punishable under Sections 498-A, 377, 325, 201, 323, 504, 506, 510 read with Section 34 of the Indian Penal Code is quashed.

(R. M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J.)

fmp/-