

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1691 OF 2022

Sunil s/o Basappa Rampure

Petitioner

Versus

State of Maharashtra & others

Respondents

Mr. S. S. Manale, Advocate for the petitioner.

Mr. S. D. Ghayal, APP for the State.

Mr. R. K. Ashtekar, Advocate for respondent No. 2.

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

DATE : 23rd FEBRUARY, 2023.

PER COURT :

1. This is a petition under Article 226 of the Constitution of India and Section 482 of the Code of Criminal Procedure to quash First Information Report in Crime No. 120/2014 registered with MIDC Police Station, Latur and RCC No. 297/2015 pending on the file of learned Chief Judicial Magistrate, Latur of the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. The aforesaid crime came to be registered pursuant to the First Information Report lodged by respondent No. 2 against the petitioner and respondents No. 3 to 11. The marriage of petitioner

and respondent No. 2 was solemnised on 11th July, 2013. She lodged First Information Report stating that the petitioner and respondents No. 3 to 11 subjected her to physical and mental cruelty.

3. Learned counsel for petitioner and respondent No. 2 state that the parties have now settled the matter amicably. They have placed on record an affidavit filed by respondent No. 2 wherein it is stated that her marriage with the petitioner has been dissolved by mutual consent. She has stated that Criminal Misc Applications No. 150/2014 and 797/2016 have also been disposed of in view of the settlement terms agreed between her and the petitioner herein. She has stated that she has received an amount of Rs. 12,00,000/- towards alimony as one time settlement. She has given no objection to quash the proceedings. Respondent No. 2 is present before us. She has confirmed the contents of the affidavit and has given no objection for quashing the criminal proceedings as against the petitioner and respondents No. 3 to 11.

4. We have gone through the record. The record, particularly judgment of Family Court, reveals that the marriage between respondent No. 2 and the petitioner herein has been

dissolved. Respondent No. 2 has received an amount of Rs. 12,00,000/- and has given no objection to quash the proceedings. In our view, the settlement is genuine and voluntary. Considering the said fact as well as the principles laid down by the Hon'ble Apex Court in the case of B.S. Joshi Vs. State of Haryana, AIR 2003 SC 13861, in our considered view, it is a fit case to exercise discretion under Section 482 of the Code of Criminal Procedure to do complete justice to the parties. Hence, the petition is allowed. First Information Report in Crime No. 120/2014 registered with MIDC Police Station, Latur and RCC No. 297/2015 pending on the file of learned Chief Judicial Magistrate, Latur of the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code are quashed qua the petitioner as well as respondents No. 3 to 11.

(R. M. JOSHI)
Judge

(SMT. ANUJA PRABHUDESSAI)
Judge

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