

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

932 CRIMINAL APPLICATION NO. 4141 OF 2022

YOGESH S/O DIGAMBER RAUT AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Avinash M. Nagarkar
APP for Respondent No.1-State : Mr. A. R. Kale
Advocate for Respondent No.2 : Mr. K. T. Taur

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

DATE : 28 FEBRUARY 2023

PER COURT :-

1. This is an application filed by the applicants under Section 482 of the Code of Criminal Procedure (Cr.P.C.) to quash the FIR No. I-30/2021 registered with MIDC Police Station, Cidco, Aurangabad and the R.C.C. No. 2242/2021 pending on the file of Court Room No.3, Vth JMFC, Aurangabad, for the offences punishable under Sections 498-A, 323, 504 r/w 34 of IPC.

2. The aforesaid crime was registered pursuant to the FIR lodged by respondent no.2. She has alleged that the applicants herein had subjected her to mental and physical cruelty. The aforesaid crime came to be registered on the basis of the allegations made by respondent no.2 against her husband and his family members.

3. Learned counsel for respondent no.2 states that during the pendency of this application, respondent no.2 and applicant no.1 have resolved the matrimonial dispute amicably. It is stated that respondent no.2 has joined applicant no.1 and that they are cohabiting together in the matrimonial home since 13.01.2023. Respondent no.2 has filed her affidavit wherein she has stated that she has withdrawn all the proceedings filed by her against the applicants and that she has no objection to quash the FIR. Respondent no.2 has also placed on record the settlement terms wherein the husband has undertaken to take care of respondent no.2 and their child and also to incur all other household expenses. Applicant no.1 has also assured not to subject respondent no.2 to any kind of harassment and that both parties have agreed to live a peaceful matrimonial life.

4. Respondent no.2 is present before the Court. She has conceded that the matter has been amicably settled and that she is living in the matrimonial home since 13.01.2023. She states that she is being treated well and she has no objection if the FIR No. I-30 of 2021 and the criminal proceedings arising therefrom are quashed.

5. We are satisfied that the settlement is voluntary and genuine. Considering the fact that the parties have settled their matrimonial dispute amicably and in view of the principles laid down by the Hon'ble 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 Cr.P.C. to secure the ends of justice. Hence, the application is allowed in terms of prayer clause (B). Consequently, the FIR No. I-30/2021 registered with MIDC Police Station, Cidco, Aurangabad and the R.C.C. No. 2242/2021 pending on the file of Court Room No.3, Vth JMFC, Aurangabad, for the offences punishable under Sections 498-A, 323, 504 r/w 34 of IPC stand quashed. The criminal application is accordingly disposed off.

(R. M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J.)

VRE