



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL WRIT PETITION NO.1120 OF 2023
AND
CRIMINAL WRIT PETITION NO.1116 OF 2023**

1. Krushna S/o. Sanjay Vispute,
Age-28 Years, Occ. - Service,
2. Sanjay S/o. Pandit Vispute,
Age-55 Years, Occ. - Govt. Service,
3. Ashwini S/o. Sanjay Vispute,
Age-50 Years, Occ. Housewife,
4. Aditi S/o. Sanjay Vispute,
Age 18 Years, Occ. Student,

All above R/o. Chetnanagar,
Atre Apartment, Flat No.02, Nashik.

..Petitioners

Versus

1. The State of Maharashtra.
2. Tejaswini W/o. Krishna Vispute,
Age-24 Years, Occ. - Service,
R/o.- At post Dhodanbe,
Tal. Chandwad, Dist. - Nashik.

..Respondents

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Mr. S. S. Khivansara, Advocate for the Petitioners.

Ms. R. P. Gaur, APP for Respondent-State.

Mrs. S. T. Jadhav, Advocate for Respondent No.2 (Appointed).

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**CORAM : SMT. VIBHA KANKANWADI AND
S. G. CHAPALGAONKAR, JJ.**

DATED : 10th OCTOBER, 2024.

ORDER (Per S. G. Chapalgaonkar, J):-

1. The petitioners in Writ Petition No.1120/2023 approached this Court under Article 226 of the Constitution of India r/w Section 482 of the Criminal Procedure Code, thereby praying for quashment of FIR in Crime No.139/2023 dated 07.06.2023 registered with Veergaon Police Station, Tal. Vaijapur, Dist. Aurangabad for offences punishable under Section 323, 498-A, 504,

506 r/w 34 of the Indian Penal Code, whereas by way of another Writ Petition No.1116/2023 they have prayed for directions for transfer of investigation and preservation of CDR and SDR for last two years pertaining to telephone numbers as per Annexure (C) of the petition.

2. Since during the pendency of these petitions, charge-sheet was filed. The amended prayers have been incorporated to quash and set aside charge-sheet.

3. On 13.06.2024, respondent no.2 was present before this Court and submission was advanced that there is possibility of settlement in the matter and to explore such possibility matter be referred to mediation. Consequently, Mr. S. K. Kadam, learned Advocate was requested to conduct mediation and submit his report.

4. Mr. Kadam, learned Mediator has filed report of successful mediation dated 23.09.2024 alongwith compromise pursis, which is duly signed and verified by petitioner no.1 and respondent no.2. Parties are identified by the learned Advocates representing them. The Mediation report and compromise pursis is taken on record and marked 'A' for identification. Perusal of pursis shows that parties have reduced terms of settlement in writing and amicably settled the dispute permanently. The petitioners have agreed to withdraw proceeding in Criminal MA No.177/2023 filed against respondent no.2 before the Judicial Magistrate First Class at Nashik. The petitioner no.1 and respondent no.2 agreed to act upon decree of annulment of marriage passed in Petition B. No.07/2023 by Family Court at Nashik. The respondent no.2 has agreed to withdraw PWDV proceeding bearing No.119/2023. The respondent no.2 has consented for quashment of FIR and

consequential proceeding in RCC No.41/2024 pending before Judicial Magistrate First Class at Vaijapur at the instance of respondent no.2.

5. We heard the learned Advocates appearing for the respective parties. The petitioner no.1 as well as respondent no.2, who are personally present before this Court reiterated the contents of compromise pursis to be true and correct and accepted that they have signed pursis after due understanding of consequences thereof. We are satisfied that matrimonial dispute between the parties has been amicably settled. Consequently, **we allow Writ Petition No.1120/2023** in terms of prayer Clauses (B) and (B1) of the petition. **Criminal Writ Petition No.1116/2023 is disposed of as withdrawn** in view of settlement arrived between the parties in pursuance to mediation, which are placed on record in Writ Petition No.1120/2023.

6. Writ Petitions are disposed of.

7. Since Mr. S. T. Jadhav, learned Advocate is appointed through legal aid to represent respondent no.2, the Secretary, High Court Legal Services Sub-Committee, Aurangabad Bench do pay the fees of the appointed counsel for respondent no.2 as per schedule.

(S. G. CHAPALGAONKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE