
(2013) 10 BOM CK 0137

In the Bombay High Court

Case No : Criminal Writ Petition No. 402 of 2013

Abdul Nadeem and Others

APPELLANT

Vs

The State of Maharashtra and Another

RESPONDENT

Date of Decision : 29-10-2013

Acts Referred:

Citation : (2014) ALLMR(Cri) 164

Hon'ble Judges : Z.A. Haq, J;B.R. Gavai, J

Bench : Division Bench

Advocate : S. Raisuddin, for the Appellant; S.M. Ghodeswar, APP for R1 and Shri G.D. Kale, for R2, for the Respondent

Judgement

B.R. Gavai, J.—Heard. Rule returnable forthwith.

2. The petition is taken up for hearing finally with the consent of the parties.

3. The petitioners have filed the present petition for quashing and setting the Charge Sheet in Crime No. 264 of 2008 in Regular Criminal Case No. 3208 of 2008 for the offence punishable under Sections 498A read with 34 of the Indian Penal Code.

4. The petitioner No. 1 and respondent No. 2 were married with each other. However, it appears that there are differences between them. On account of marital disputes, FIR came to be registered against the petitioners by the respondent No. 2. However, it appears that the parties have settled the matter by placing on record the Deed of Settlement before the learned Principal Judge, Family Court in Petition No. E225/2009 dated 20th April, 2010.

5. The Apex Court in the case of B.S. Joshi and Others Vs. State of Haryana and Another, , has held that whenever the matrimonial disputes are settled, this court should exercise powers u/s 482 of the Criminal Procedure Code for giving an end to the litigation arising out of the said disputes. In view of the amicable settlement between the parties and to end the dispute between them, it is in the

interest of them that this court should exercise powers u/s 482 of the Code of Criminal Procedure and quash the proceedings. The petitioner No. 1 as well as the respondent No. 2 are personally present in the Court and have reiterated about the settlement of the dispute. In that view of the matter, we pass the following order.

ORDER

The Crime No. 264 of 2008 and the proceedings arising thereof by way of Regular Criminal Case No. 3208/2008 are quashed and set aside.

Rule is made absolute in above terms.