

(2013) 02 BOM CK 0199

In the Bombay High Court

Case No : Criminal Application No. 678 of 2011

Amir Ahmed

APPELLANT

Vs

The State of Maharashtra and Another

RESPONDENT

Date of Decision : 15-02-2013

Acts Referred:

Citation : (2013) ALLMR(Cri) 4262

Hon'ble Judges : A.P. Lavande, J;A.B. Chaudhari, J

Bench : Division Bench

Advocate : R.R. Vyas, for the Appellant; T.A. Mirza, Additional Public Prosecutor for Respondent No. 1 and Shri U.J. Deshpande, Advocate, for the Respondent

Final Decision : Allowed

Judgement

A.P. Lavande, J.—Rule, returnable forthwith. Heard finally with consent of Shri Vyas, learned Counsel for applicants, Shri Mirza, learned Additional Public Prosecutor for respondent No. 1, and Shri Deshpande, learned Counsel for respondent No. 2. By this application filed u/s 482 of Code of Criminal Procedure, the applicants against whom First Information Report bearing No. 60/2011 dated 1/4/2011 for the offences punishable under Sections 498A and 506 read with Section 34 of Indian Penal Code is registered, seek quashing of the same on the ground that they have settled the dispute with respondent No. 2 at whose instance, the said first information report was registered. The applicant Nos. 1, 2, 4 and 6, who are present in the Court, are identified by Adv. Vyas and respondent No. 2, who is present in the Court, is identified by Adv. Deshpande.

2. Individual affidavits have been filed by the applicants and respondent No. 2, inter alia, stating that they have settled the dispute amongst themselves. The respondent No. 2, who is present in the Court, admits that pursuant to the settlement arrived at between the parties, an amount of rupees two lakhs by cash has already been paid to her by applicant No. 1.

3. Having regard to the principles laid down by the Apex Court in the case of

Gian Singh Vs. State of Punjab and Another, , since parties have agreed to settle the matrimonial dispute, we deem it appropriate to quash the First Information Report bearing No. 60/2011 dated 1/4/2011 registered at Balapur Police Station against the applicants.

4. In view of the above, the First Information Report bearing No. 60/2011 dated 1/4/2011 lodged by respondent No. 2 against applicants for the offences punishable under Sections 498A and 506 read with Section 34 of Indian Penal Code at Balapur Police Station is quashed. Rule is made absolute in the aforesaid terms. No order as to costs.