

(2013) 01 BOM CK 0061

In the Bombay High Court

Case No : Criminal Application (Apl) No. 441 of 2012

Devendra Vasantrao Nagmote and Others

APPELLANT

Vs

State of Maharashtra and Another

RESPONDENT

Date of Decision : 24-01-2013

Acts Referred:

Banking Regulation Act, 1949 — Section 6(1)
Criminal Procedure Code, 1973 (CrPC) — Section 482
Dowry Prohibition Act, 1961 — Section 3, 4
Income Tax Act, 1961 — Section 80P(2)(a)(i), 81
Penal Code, 1860 (IPC) — Section 498A, 506

Citation : (2013) ALLMR(Cri) 2127

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

Bench : Division Bench

Advocate : R.S. Thakur, for the Appellant; Deshmukh, APP for the Non-applicant No. 1 and Mr. Abhijit Bobde, Advocate for Non-applicant No. 2, for the Respondent

Judgement

A.P. Lavande, J.—Rule. Rule is made returnable forthwith and heard by consent of the parties. By this application u/s 482 of the Criminal Procedure Code, the applicants against whom the First Information Report has been lodged by the non-applicant No. 2 for the offence punishable u/s 498-A, 506 of the Indian Penal Code and u/s 3 & 4 of Dowry Prohibition Act, seek quashing of the First Information Report on the ground that the parties have settled the dispute amongst themselves. The applicant no. 1 is the husband of the respondent No. 2 and the applicant nos. 3 to 5 are close relatives of the applicant no. 1. The applicants are present in the Court and have been identified by Advocate Mr. Thakur and the respondent No. 2 has been identified by Mr. Bobde Advocate.

2. The applicants and the respondents have filed individual affidavits, inter alia, mentioning that they want to settle the dispute amongst themselves and that the applicant No. 1 and the respondent No. 2 are residing together as husband and wife pursuant to the compromise entered into between them.

3. The settlement of the dispute between the parties comes within the purview of the Judgment of the apex Court in the case of Gian Singh Vs. State of Punjab and Another, and, therefore, in our considered view, this is a fit case in which the First Information Report lodged by the respondent no. 2 against the applicants for the offences punishable u/s 498-A & 506 of the Indian Penal Code and u/s 3 & 4 of Dowry Prohibition Act, deserves to be quashed and as such is hereby quashed. Rule is made absolute in aforesaid terms with no order as to costs.