

(2013) 01 BOM CK 0259

In the Bombay High Court

Case No : Criminal Application (APL) No. 338 of 2012

Pankaj Uttamrao Ingale and Others

APPELLANT

Vs

State of Maharashtra and Another

RESPONDENT

Date of Decision : 28-01-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 34, 342, 406, 498A

Citation : (2013) ALLMR(Cri) 1287

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

Bench : Division Bench

Advocate : P.S. Patil, for the Appellant; R.S. Nayak, APP for State and Mr. N.B. Jawade, for the Respondent

Final Decision : Allowed

Judgement

A.P. Lavande, J.—Rule. Rule made returnable forthwith. By consent of the parties, matter is taken up for final hearing. By this application, u/s 482 of the Code of Criminal Procedure, the applicants seek quashing of Criminal Case No. 784 of 2011 pending on the file of Judicial Magistrate (F.C.), Akola against the applicants for the offences punishable under Sections 498A, 406, 342 r/w 34 of the Indian Penal Code.

2. Charge-sheet has been filed against the applicants pursuant to FIR filed by respondent No. 2, who is the wife of applicant No. 1. Applicant No. 2 to 5 are close relatives of applicant No. 1.

3. Applicant No. 1 and respondent No. 2 are present in the court who have been identified by their respective advocates.

4. Applicant No. 1 and respondent No. 2 have filed affidavits stating that they have settled the dispute amongst themselves. Moreover, it has been stated by respondent No. 2 that in view of the settlement arrived at between the parties, she is not interested in prosecuting the Criminal Case which has been registered

pursuant to FIR filed by her.

5. The compromise entered into between the parties satisfies the predicates laid down by the Apex Court in the case of Gian Singh Vs. State of Punjab and Another, . Therefore, in our considered opinion, this is a fit case in which the application deserves to be allowed.

6. In view of the above, Criminal Case No. 784 of 2011 pending against the applicants for the offences punishable under Sections 498A, 406, 342 read with 34 of the Indian Penal Code is quashed. Bail bonds, if any, furnished by the applicants stand discharged. Rule is made absolute in the above terms. No order as to costs.