
(2023) 01 BOM CK 0010

In the Bombay High Court

Case No : Criminal Application (APL) No.1661 Of 2022

Piyush

APPELLANT

Vs

State Of Maharashtra And Others

RESPONDENT

Date of Decision : 03-01-2023

Acts Referred:

Indian Penal Code, 1860 — Section 34, 324, 498A, 504, 506

Citation : (2023) 01 BOM CK 0010

Hon'ble Judges : A.S. Chandurkar, J;Urmila Joshi-Phalke, J

Bench : Division Bench

Advocate : P. R. Agrawal, A. S. Fulzele, A. S. Ambatkar

Final Decision : Allowed

Judgement

Urmila Joshi-Phalke, J

1. Rule. Rule made returnable forthwith. Heard finally with consent of the learned counsel for the parties.

2. By preferring this application, the applicant seeking relief for quashing of First Information Report vide Crime No.489 of 2021 registered at Police Station Nandgaonpeth, Amravati for the offence punishable under Sections 324, 498-A, 504 and 506 read with Section 34 of the Indian Penal Code.

3. Non-applicant No.2 has lodged the report against the present applicant alleging that her marriage was performed with applicant on 02/12/2020. Her husband is serving in Merchant Navy. After marriage she resumed cohabitation at her matrimonial house. She was ill-treated and harassed by applicant. Her father though given him Rs.3,00,000/- (Rs. Three Lacs) for purchase of the house but applicant had not returned the said amount. Whenever she demands the amount, her husband assaults her. On the basis of said report, police have registered the offence against the applicant.

4. On the basis of the allegations, offence was registered against the present

applicant. During the pendency of the application, applicant and the non-applicant No.2 amicably settled the dispute and decided to obtain the mutual consent. They both have already preferred the petition before the trial Court. In response to the notice, non-applicant No.2 appear and accepted the contentions of the applicant. The non-applicant No.2 is also present before the Court. We have personally interacted with the non-applicant No.2 and she accepted the statement that both parties have settled the matter amicably and she has no grievances against the applicant.

5. In such circumstance, considering the matrimonial dispute between the parties, which is amicably settled. The application deserves to be allowed.

6. In view of the above, we proceed to pass the following order.

ORDER

(i) The application is hereby allowed.

(ii) In view of settlement between the parties, the First Information Report vide Crime No.489 of 2021 registered at Police Station Nandgaonpeth, Amravati for the offence punishable under Sections 324, 498-A, 504 and 506 read with Section 34 of the Indian Penal Code against the present applicant is quashed and set aside.

(iii) Rule is made absolute in the aforesaid terms.