

(2013) 10 BOM CK 0243

In the Bombay High Court

Case No : Criminal Application (APL) No. 597 of 2013

Ramesh and Others

APPELLANT

Vs

The State of Maharashtra and Another

RESPONDENT

Date of Decision : 28-10-2013

Acts Referred:

Citation : (2014) ALLMR(Cri) 282

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

Bench : Division Bench

Advocate : A.J. Mirza, for the Appellant; K.S. Joshi, Additional Public Prosecutor for Respondent No. 1 and Mr. S.N. Chichbankar, for the Respondent

Judgement

B.R. Gavai, J.—Rule. Rule made returnable forthwith. Heard the learned Counsel for the parties by consent. The applicants have approached this Court for quashing and setting aside the FIR registered vide Crime No. 216/08 for the offences punishable under Sections 498-A, 323, 504 and 506 of the Indian Penal Code and the judgment dated 29.9.2010 passed by the learned Chief Judicial Magistrate, Buldana in Regular Criminal Case No. 286/08 convicting the applicants for the offence punishable u/s 498-A read with Section 34 of the Indian Penal Code.

2. During the pendency of the appeal preferred against the judgment passed by the learned Chief Judicial Magistrate, the matter has been amicably settled between the applicant No. 1 and the respondent No. 2 and in the interest of their children they have decided to reside together. An affidavit has also been filed by respondent No. 2 wife with regard to the same.

3. The Apex Court in the case of B.S. Joshi and Others Vs. State of Haryana and Another, has held that if the matrimonial dispute has been settled between the parties, this Court should quash and give end to the criminal proceedings by invoking powers u/s 482 of the Criminal Procedure Code. In that view of the matter, rule is made absolute in terms of prayer clause (a). The Criminal

Application stands disposed of. No order as to costs.