

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO.: 5351 OF 2014

1. **Vikas Sampat Harishchandre,**
Age 31 yrs., Occ. Service.
2. **Sampat Namdeo Harishchandre,**
Age 65 yrs., Occ. Nil.
3. **Sau. Kusum Sampat Harishchandre,**
Age: 56 yrs., Occ.: Household,
4. **Anil Sampat Harishchandre,**
Age: 27 years, Occ.: Student.

All R/o Khadambe, Tq. Rahuri,
Tq. Newasa, Dist. Ahmednagar. ...

APPLICANTS.

VERSUS

1. **The State of Maharashtra.**
Through Police Station Gangapur,
Tq. Gangapur, Dist. Aurangabad.
2. **Sopan Natha Sonawane.**
Age: 56 years, Occu.: Service,
R/o: Hingoli Shivar, Post Kangoni,
Tq. Newasa, Dist. Ahmednagar. ...

RESPONDENTS

Mr. R. K. Temkar, Advocate for the Applicant.
Mr. B. L. Dhus, A.P.P. for Respondent No.1.
Mr. K. N. Lokhande, Advocate for Respondent No.2.

**CORAM:- T. V. NALAWADE &
SMT. I. K. JAIN, JJ.
DATED:- 1st APRIL, 2015.**

JUDGMENT [PER SMT.I.K.JAIN, J.]:

. Rule. Rule made returnable forthwith. By consent heard both sides for final disposal. Learned A.P.P. is also heard.

2. This application is filed under section 482 of the Code of Criminal Procedure to quash and set aside the proceedings in R.T.C. No.265 of 2013 pending before learned Judicial Magistrate, First Class, Newasa arising out of C.R. No.I-80 of 2013 registered at Sonai Police Station for the offence punishable under section 420 of the Indian Penal Code and section 4 of the Dowry Prohibition Act.

3. From the facts enumerated in application it appears that marriage of Applicant No.1 Vikas Sampat Harishchandre was settled with Sangita, daughter of Respondent No.2. In the marriage Respondent No.2 spent Rs. 2 Lacs. It is the case of Respondent No.2 that before the scheduled date of marriage applicants demanded dowry of Rs.10 lacs and put a condition that unless Rs. 10 Lacs are paid marriage will not be solemnised. In this situation father lodged report to police station.

4. It is contended that applicants and Respondent No.2 have compromised the matter. Sangita daughter of Respondent No.2 is now married and living happily at her matrimonial house. Affidavit of Sangita Sopan Sonwane has been filed. It is stated that there grievances are redressed and they are not interested in prosecuting R.T.C. No.265 of 2013 pending before the learned Judicial Magistrate, First Class.

5. In view of these circumstances, there is minimal chance of the witnesses coming forward to support the prosecution case. It would, therefore, be unnecessary to drag the criminal proceedings pending before the learned Judicial Magistrate, First Class. Thus we are of the opinion that power under section 482 of the Code of Criminal Procedure needs to be exercised.

6. In view of the above, Criminal Application No. 5351 of 2014 is allowed. Criminal Proceedings in R.T.C. No.265 of 2013 pending before the learned Judicial Magistrate, First Class, Newasa arising out of C.R. No.I-80 of 2013 registered at Sonai Police Station for the offence

punishable under section 420 of the Indian Penal Code and section 4 of the Dowry Prohibition Act stand quashed and set aside.

7. Rule is made absolute in above terms.

[SMT. I. K. JAIN, J]

[T. V. NALAWADE, J.]

Dated:01/04/2015.
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