

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

APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO.: 6076 OF 2014

1. **Sunil S/o Bhanudas Kharat,**
Age: 30 years, Occu: Private Service,
R/o Sambhaji Colony, N-6, CIDCO,
Dist.: Aurangabad.
2. **Bhanudas S/o Tukaram Kharat,**
Age: 57 years, Occu. Service,
R/o above stated.
3. **Kalinda W/o Bhanudas Kharat,**
Age: 47 years, Occu: Housewife,
R/o: above stated.
4. **Amol S/o Bhanudas Kharat,**
Age: 27 years, Business,
R/o above stated.

... **APPLICANTS.**
[ORIG. ACCUSED].

VERSUS

1. **Shital W/o Sunil Kharat,**
Age: 23 years, Occu: Housewife,
R/o: C/o Rajesh Shrikant More,
Ranjangaon Shee. Pu., Tq. Gangapur,
Dist. Aurangabad.
2. **The State of Maharashtra.**
Through its Secretary,
Home Department, Mantralaya,
Mumbai.

... **RESPONDENTS**

Mr. Nitin S. Kadarale, Advocate for the Applicants.
Mr. S. R. Pande, Advocate for Respondent No.1.
Mr. S. B. Pulkundwar, A.P.P. 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. The application is filed under section 482 of the Code of Criminal Procedure to quash proceedings in R.C.C. No.2069 of 2013 pending before learned Judicial Magistrate, First Class, Aurangabad for offences punishable under sections 498-A, 323, 504, 506, 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

3. It is the case of Respondent No.1 - complainant that her marriage was solemnised with Applicant No.1 Sunil on 29th April, 2012. Dowry of Rs. 2 Lacs cash was given to Applicant No.1. Gold ornaments of Rs.51,000/- and household articles worth Rs.2 Lacs were given at the time of marriage. For some time she was treated well by the applicants. Thereafter, Applicant No.1 asked the Respondent No.1 complainant to bring Rs.1 Lakh from her parents for business. She was harassed on demand of

money. Being tired of illtreatment wife filed private complaint in the Court.

4. Applicant No.1 Sunil and Respondent No.1 Shital have filed joint affidavit. They submitted that there is no chance of reunion and to continue with the marital tie between them. They have settled the dispute amicably in divorce Petition No. 285 of 2013 before the Family Court at Aurangabad.

5. As parties have decided to live separately and amicably settled the dispute we are of the view that continuation of proceedings in R.C.C. No.2069 of 2013 would be unnecessary. There is minimal chance of the witnesses supporting the prosecution.

6. In the result, criminal application is allowed. The proceeding in R.C.C. No.2069 of 2013 pending before learned Judicial Magistrate, First Class, Aurangabad for the offences punishable under sections 498-A, 323, 504, 506, 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act is 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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