

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

CRIMINAL APPLICATION NO. 646 OF 2014

1. Vijay Baburao Pingle **... Applicants**
Age 67 years, Occu: Business
2. Mrs. Rajni Vijay Pingle
Age 57 years, Occu: Housewife
App. 1 and 2 residing at-
Next to Kamshet Post Office,
Shivaji Chowk, Kamshet, Taluka
Mavel, Dist.Pune
3. Mrs. Poonam Amit Dhume
Age 31 years, Occu: Housewife
4. Amit Ramesh Dhume
Age 33 years, Occu: Service,
App. 3 and 4 R/o Building
No.7, Flat No.501, N.C. Vihar,
Opp. Laxmi Park (1), Vartak
Nagar, Thane (West)
5. Vaibhav Vijay Pingle, Age 29
years, Ocu: Nil,
R/o A/50, Gopal Mansion,
Gurunanak Road, Bandra (WW),
Mumbai 400 050

VERSUS

1. State of Maharashtra
2. Inspector fo Police
Begampura Police Station,
Aurangabad
3. Mrs. Varsha Vaibhav Pingle **... Respondents**
Age 24 years, Occu: Housewife,
R/o A/604 Waters Edge,
Vishal Nagar, Taluka Haweli,
District Pune (Wakad)Pune
and R/o Plot No. 15, N-13,
Vankhede Nagar, HUDCO,
Aurangabad.

Mr. Ujwal S. Patil, Advocate for the Applicants
Mrs. D. S. Jape, APP for the Respondents State
Mr. N. S. Ghanekar, Advocate for respondent No.3

CORAM : T. V. NALAWADE AND
K. L. WADANE, JJ.
DATE: : 21st June, 2018

JUDGMENT (Per K. L. Wadane,J.):

1. Rule. Rule made returnable forthwith. With the consent of the parties, the application is taken up for final hearing.

2. After hearing both the sides for some time the learned APP submitted that charge sheet came to be filed on 31st March, 2014. Relief is claimed only in respect of F.I.R. and the present proceeding was filed on 29.01.2014. Thus, after filing of the present proceeding, charge-sheet came to be filed. There was no stay in the present matter. Learned counsel for the applicants prays for granting permission to amend the proceeding to add the relief of quashing the criminal case itself. Permission is granted. Amendment is to be carried out forthwith.

3. The application is filed under section 482 of the Code of Criminal Procedure for relief of quashing of first information report bearing Crime No. I-94/2013

dated 26.08.2013 registered with Begampura Police Station, Aurangabad for the offence punishable under Section 498-A, 323, 504, 506 read with 34 of the Indian Penal Code and under sections 3 and 4 of the Dowry Prohibition Act. By way of amendment, the applicants have also challenged R.C.C. 680/2015 pending before the learned J.M.F.C., Aurangabad arising out of the FIR No.I-94/2013 and prayed for quashing the same.

4. Respondent No. 3/original complainant lodged first information report against the present applicants alleging that she was married to Applicant No.5 Vaibhav. In the marriage her parents had given 25 tolas gold and Cash of Rs.11 lakhs. It was alleged that after marriage she was treated well for some days and thereafter the applicants accused started to harass her on the count of dowry. Alleging ill-treatment and harassment against the applicants, she lodged complaint and the offence as referred above came to be registered against the applicants accused.

5. Heard Mr. Ujwal S. Patil, learned counsel for the applicants, Mrs D. S. Jape, APP for the respondent State and Mr. N. S. Ghanekar, learned counsel for respondent No.3/complainant.

6. Respondent No.3 i.e. original complainant has filed an affidavit stating that the parties have amicably settled their dispute and have arrived at a compromise through the process of private negotiations of their relatives. It is agreed between them that the dispute is amicably settled and the complainant agreed to withdraw the present criminal case i.e. Crime No.1-94/2013. Copy of the consent terms which was filed before the Family court is produced on record. In Paragraph No.6 of the affidavit reads thus:

06. I say and submit that before registration of the impugned crime, the Applicant No.5/Husband had filed the Divorce Petition bearing No. M.J. Petition No. 1695/2013 under section 13(1)(i-a) of the Hindu marriage Act, 1955 before the Family Court, Bandra. As per terms of compromise, Applicant No.5 and respondent No.3, on 13th July, 2015, filed the consent terms before the learned Family Court, Bandra and as per the said consent terms the present Respondent No.3/complainant agreed to give consent for withdrawn and quashing of the impugned Crime No.1-94/2013.

7. From the record, it appears that the parties have settled the dispute amicably in the divorce proceeding and already the decree of divorce by mutual consent has been passed by the Family Court, Bandra. It

appears that the parties have decided to set at rest the further dispute including the present criminal proceedings.

8. In that view of the matter, in view of settled law, in order to secure the ends of justice and to prevent an abuse of process of law, the criminal proceeding needs to be quashed and set aside. Hence following order:

O R D E R

(1) First information report bearing Crime No. I-94/2013 dated 26.08.2013 registered with Begampura Police Station, Aurangabad for the offence punishable under Section 498-A, 323, 504, 506 read with 34 of the Indian Penal Code and under sections 3 and 4 of the Dowry Prohibition Act and R.C.C. 680/2015 pending before the J.M.F.C. Aurangabad in respect of Crime No.I-94/2013 are quashed and set aside.

(2) Rule is made partly absolute in the above terms.

(K. L. WADANE, J.)

(T. V. NALWADE, J.)

JPC