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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2392 OF 2020

Mahesh Dhondiba Rajurkar and Others

APPLICANTS

VERSUS

The State of Maharashtra and Another

RESPONDENTS

Mr. Upendra B. Bilolikar, Advocate for the applicants

Mr. S. J. Salgare, APP for respondent - State

Mr. Vikaram S. Kadak, Advocate for respondent No.2

[CORAM : SUNIL P. DESHMUKH AND
NITIN B. SURYAWANSHI, JJ.]

DATE : 24th SEPTEMBER, 2021

ORDER :

1. This criminal application seeks relief of quashing of the First Information Report in Crime No. 745 of 2020 registered with CIDCO police station, Aurangabad City for the offence punishable under sections 498A, 323, 504, 506 read with 34 of Indian Penal Code and under sections 3 and 4 of the Dowry Prohibition Act.

2. Applicant No.1 is husband and applicants No. 2 to 7 are in-laws of the informant / wife Respondent No. 2. It is, in short, alleged in the FIR that marriage of the informant with applicant No.1 was performed on 15th May, 2019 and the accused started

ill-treating her since third day of marriage. They were harassing her physically and mentally and asking her to bring an amount of Rs.10,00,000/- from her parents.

3. After conducting investigation, charge sheet is filed and case is numbered as RCC No. 1138 of 2021 and is pending on the file first of Judicial Magistrate, First Class, Court No.8, Aurangabad.

4. During pendency of present proceedings, applicant No.1 – husband and respondent No. 2 – wife have amicably settled their dispute outside the court and the consent terms arrived at between the parties are placed on record. In view of the compromise, applicant No.1 and respondent No.2 have already filed proceedings bearing F No. 83 of 2021 in the Court of Principal Family Court Judge, Nanded on 27th July, 2021, under section 13-B of the Hindu Marriage Act, for dissolution of marriage by mutual consent.

5. Taking into consideration the fact that matrimonial dispute between the husband and wife is amicably settled and the settlement is already acted upon, continuation of prosecution against the applicants would be an abuse of process of law. We, therefore, deem it appropriate to quash the prosecution against

the applicants, in the interest of justice.

6. In the result, criminal application No.2392 of 2020 is allowed. Proceedings of FIR in Crime No. 745 of 2020 registered with CIDCO Police Station, Aurangabad City for the offence punishable under section 498A, 323, 504, 506 read with 34 of the Indian Penal Code and further proceedings bearing RCC No. 1138 of 2021 pending in the court of Judicial Magistrate, First Class, Court No. 8 Aurangabad is hereby quashing and set aside.

[NITIN B. SURYAWANSHI]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE