

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 705 OF 2022

ARPIT ASHOK GAIKWAD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. V. A. Mundhe h/f Mr. Karad Murlidhar S
APP for Respondent No.1/State : Mr. R. D. Sanap
Advocate for Respondent No.2 : Mr. Tejas A. Pradhan

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**CORAM : SARANG V. KOTWAL &
BHARAT P. DESHPANDE, JJ.**

DATE : 30th JUNE 2022.

Per Court :

1. This is an application for quashing of the proceedings vide R.C.C. No. 2176/2017 pending before the Judicial Magistrate First Class (Railway), Aurangabad for the offences punishable under Sections 323, 498-A, 504, 506 read with 34 of the Indian Penal Code (I.P.C. for short) and Section 3 and 4 of Dowry Prohibition Act.
2. Heard learned Counsel for the parties.

3. The FIR was lodged by the Respondent No.2. She has stated that she got married with the Applicant No.1 on 11.04.2016. After initial few days, she was harassed by the Applicant No.1 and his family members, including all the other Applicants. It is alleged that he demanded four wheeler from her parents. Thereafter, Informant was dropped to her parent's house for that demand and was not taken back. On this ground, the FIR is lodged.

4. Now, both the parties have settled the matter. The Respondent No.2 has filed an affidavit in support of the settlement. It is mentioned that Respondent No.2 and Applicant No.1 had filed proceedings for divorce by mutual consent vide H.M.P. No. A-37/2019 in the Family Court, Aurangabad. The divorce was granted. A copy of the judgment is annexed to the affidavit. It is mentioned in paragraph no.2 of the affidavit that the Respondent No.2 has decided to withdraw the proceedings. Accordingly, she was willing to give consent to quash the proceedings of R.C.C. No. 2176/2017 pending before the Judicial Magistrate First Class (Railway), Aurangabad.

5. In view of the settlement and the affidavit filed in support of the settlement and also on the basis of the judgment of the Hon'ble Supreme Court in the case of **Gian Singh Vs. State of Punjab and Anr.**, as reported in (2012)10 SCC 303, the following order is passed.

ORDER

(i) The Criminal Application is allowed.

(ii) The proceedings vide R.C.C. No. 2176/2017 pending before the Judicial Magistrate First Class (Railway), Aurangabad, are quashed and set aside.

(iii) The Criminal Application is disposed of.

[BHARAT P. DESHPANDE, J.]

[SARANG V. KOTWAL, J.]

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