

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

CRIMINAL APPLICATION NO.1041 OF 2022

SANGHPAL RAMESH AWACHAR AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicants: Mr. Shaikh Shakil U.

APP for Respondent Nos.1&2: Mr. S. D. Ghayal

Advocate for Respondent No.3:

Mr. A. K. Bhosale (*Appointed*)

...

CORAM: SARANG V. KOTWAL &

BHARAT P. DESHPANDE, JJ.

DATE: 21st JULY, 2022

PER COURT:

1. Leave to amend. Amendment to be carried out forthwith.

2. This is an Application initially on merits for quashing of the proceedings. However, subsequently, the parties have settled the matter and, now, prayer is made on the ground of settlement of parties.

3. It is not necessary to go into the details of the allegations made by Respondent No.3, who was the first informant who has lodged

the F.I.R. The Applicants are seeking quashing of the proceedings pending before the learned Judicial Magistrate First Class, Railway Court, Aurangabad vide R.C.C. No.1920 of 2016 under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code, 1860 and Sections 3 and 4 of the Dowry Prohibition Act, 1961 arising out of C.R. No.0384 of 2016 dated 04.05.2016 registered at Mukundwadi Police station, District Aurangabad.

4. In the F.I.R. first informant has mentioned that she got married with the Applicant No.1 on 28.12.2014. Applicant No.2 is the sister, Applicant No.3 is the father, Applicant No.4 is the mother, Applicant No.5 is the brother of Applicant No.1. Applicant No.6 is husband of Applicant No.2. All these Applicants are named in the F.I.R. The first informant has stated that after marriage initially she was treated properly. Thereafter, the parents of the husband started demanding Rs.5,00,000/- and on that count started harassing her. By that time, she had become pregnant. There are allegations of an

incident when all these Applicants had assaulted her and had thrown her out of her house. After delivery of her son nobody from the Applicants' family came to see her. She approached the Police and lodged the F.I.R.

5. Now, the matter is settled between the parties. In Paragraph No.6 of the *affidavit-in-reply* filed on behalf of Respondent No.3 she has categorically stated that she has no objection if the proceedings are quashed. In Paragraph No.3 she stated that they have decided to maintain harmony amongst themselves and that they have resolved all sort of discords.

6. In this view of the matter, since the allegations arise out of matrimonial dispute, there is no impediment in quashing these proceedings. Hence the following order-

ORDER

[I] The Application is allowed in terms of prayer clause "B".

[II] The proceedings pending before the Judicial Magistrate First Class, Railway Court, Aurangabad vide R.C.C. No.1920 of 2016 are quashed and set aside.

[III] Learned Counsel Mr. A. K. Bhosale, was appointed through the Legal Aid. He shall be paid his professional fees in accordance with Rules.

7. The Criminal Application stands disposed of.

[BHARAT P. DESHPANDE, J.] [SARANG V. KOTWAL, J.]

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