

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

956 CRIMINAL APPLICATION NO. 1583 OF 2022

SUJIT S/O ANIL NIRKHE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. B. R. Waramaa
APP for Respondent No.1-State : Mr. G. O. Wattamwar
Advocate for Respondent No.2 : Mr. U. M. Mhaske Patil h/f
Mrs. Jyoti H. Patki

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**CORAM : MANGESH S. PATIL AND
ABHAY S. WAGHWASE, JJ.**

DATED : 15 NOVEMBER 2022

PER COURT :-

1. Heard learned counsel for the applicants, the learned APP and the learned advocate for respondent no.2.
2. The applicants are seeking quashment of crime no. 80/2022 registered at the instance of respondent no.2 with City Chowk Police Station, Aurangabad, for the offence punishable under sections 498-A, 323, 504, 506 r/w 34 of IPC and under sections 3 and 4 of the Dowry Prohibition Act, 1961.

3. The learned advocates unanimously submit that the crime has been registered pursuant to a matrimonial dispute. The applicant no.1 and the respondent no.2 have been involved in several litigations. The proceeding for divorce pending before the Family Court at Aurangabad has subsequently been converted as a joint proceeding under Section 13B of the Hindu Marriage Act, 1955 by reaching a compromise. The couple has decided to get separated, having also resolved to stay at rest the other litigation including the present one. They place on record a copy of the settlement terms filed in the Family Court, Aurangabad.

4. We have gone through the terms of settlement. Indeed, the couple seems to have reached an amicable settlement to get separated legally. They have filed a petition for divorce by mutual consent. They have agreed to set at naught the litigation between them, including the present one. There are terms and conditions regarding payment of alimony as well.

5. When the genesis of the dispute lies in a matrimonial discord pursuant to which the offence has been registered and when the couple has now decided to amicably resolve the dispute, we see no public policy is involved. The proposed settlement cannot be said to

be against public policy or has been reached with some ulterior motive. There is no impediment in quashing the crime in view of such mutual understanding. Hence, we proceed to pass the following order:

ORDER

- I. The application is allowed.
- II. The crime no. 80/2022 registered with City Chowk Police Station, Aurangabad for the offence punishable under sections 498-A, 323, 504, 506 r/w 34 of IPC and under sections 3 and 4 of the Dowry Prohibition Act, 1961 is quashed and set aside.

[ABHAY S. WAGHWASE, J.]

[MANGESH S. PATIL, J.]

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