

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2119 OF 2022

VISHAL ARJUN CHAVAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicants : Mr. Rajendrraa Deshmukh, Senior Advocate a/w
Mr. Devang R. Deshmukh i/by Mr. Govind A. Kulkarni
APP for Respondent No.1/State : Mr. M. S. J. Salgare
Advocate for Respondent No.2 : Mr. P. K. Ippar

...

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

DATE : 14th JULY 2022.

Per Court :

1. This is an application for quashing of the proceedings vide R.C.C. No. 1099/2019 pending before the Judicial Magistrate First Class, Aurangabad arising out of CR No. I-255/2018 registered at Pundlik Nagar Police Station, Aurangabad, for the offences punishable under Sections 498-A, 406, 270, 323, 506 and 34 of the Indian Penal Code (I.P.C. for short) and Section 3, 4 of Dowry Prohibition Act.
2. Heard learned Counsel for the parties.

3. The Applicant No.1 is the husband, the Applicant No.2 is the father-in-law and the Applicant No.3 is the mother-in-law of the Respondent No.2. Earlier these Applicants had preferred Criminal Application No.1114/2019, on merits of the matter. It was withdrawn. The present application is filed on the ground of settlement between the parties. We have perused the FIR and the charge-sheet. It is not necessary to go into the details of the allegations in the FIR. Suffice it to say that the F.I.R. mentions that the informant got married with Applicant No.1 on 07.02.2017. After the marriage, as per the allegations, she was harassed on various grounds and there were certain acts which amounted to commission of offence under Section 498-A and other offences of I.P.C. We are not reproducing the entire F.I.R. here in view of the settlement between the parties. Therefore, it is not necessary to add to the bitterness between the parties. The charge-sheet contains statements of witnesses of Informant's family and friends. They have supported her contentions in the FIR. Both the learned Counsel for the parties invited my attention to the divorce proceedings filed by the Applicant No.1 and Respondent No.2 in the Family Court, Aurangabad on 15.06.2022 vide Case No. F-179/2022.

In that petition, in ground 4-(B), it is specifically mentioned that the parties had decided that the Respondent No.2 would withdraw the proceedings arising out of CR No. 255/2018 i.e. the aforementioned FIR.

4. The Respondent No.2 has filed an affidavit-in-reply in this Court. It is mentioned that the Applicant No.1 has to give Rs. 8,30,000/- as permanent alimony to her. According to learned Counsel for the Applicants, the same amount is deposited in the Family Court. In that affidavit, in ground 4-(C), it is mentioned that it is agreed between the Applicant No.1 and Respondent No.2 that the complaint lodged at her instance i.e. CR No.I-255/2015 resulting in R.C.C. No. 1099/2019 pending before the Judicial Magistrate First Class, Aurangabad, shall be withdrawn by the Respondent No.2. Considering the settlement arrived at and the steps taken by the Applicant No.1 and Respondent No.2 in that behalf and particularly taking into account the categorical consent given by the Respondent No.2 for quashing of the proceedings, the petition can be allowed. The dispute between the parties is private dispute.

5. Thus, considering this submission and also based on the ratio laid by 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 proceedings can be quashed and set aside. Hence the following order.

ORDER

- (i) The Criminal Application is allowed in terms of prayer clause 'C'.
- (ii) The proceedings vide R.C.C. No. 1099/2019 pending before the Judicial Magistrate First Class, Aurangabad arising out of CR No. I-255/2018 registered at Pundlik Nagar Police Station, Aurangabad, are quashed and set aside.
- (iii) The Criminal Application is disposed of.

[BHARAT P. DESHPANDE, J.]

[SARANG V. KOTWAL, J.]

Najeeb...