

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2163 OF 2022

SUSHMA W/O PANDURANG JADHAV

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Reddy Ajinkya

APP for Respondent No.1/State : Mr. M. M. Nerlikar

Advocate for Respondent No.2 : Mr. S. A. Ambilwade h/f Mr. Sayyed Tauseef

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

DATE : 6th JULY 2022.

Per Court :

1. This is an application for quashing of the proceedings vide R.C.C. No. 15/2019 pending before the Judicial Magistrate First Class, Parli, District Beed arising out of CR No. 68/2018 registered at Sambhajinagar Police Station, Parli, for the offences punishable under Sections 406, 420, 498-A and 34 of the Indian Penal Code (I.P.C. for short).
2. Heard learned Counsel for the parties.

3. The parties have arrived at settlement therefore, it is not necessary to describe the allegations in the FIR in detail. The Applicant No.1 is the mother-in-law and Applicant No.2 is the husband. Suffice it to say that the FIR mentions that the Respondent No.2 got married with Applicant No.2 on 29.01.2015 and there were certain acts which amounted to commission of offence under Section 498-A and other offences of I.P.C. There are allegations against the husband, as he demanded Rs. 40 Lakhs from the parents of Respondent No.2.

4. An affidavit-in-reply is filed on behalf of Respondent No.2. It is mentioned in the affidavit that the Applicant No.2 and Respondent No.2 have jointly filed proceedings for divorce by mutual consent before the Civil Judge Senior Division, Ambejogai. The Applicant No.2 has deposited a sum of Rs. 15 Lakhs in that Court towards the claim of permanent alimony. There is a reference to proceedings under Protection of Women from Domestic Violence Act. In those, an order was passed in favour of Respondent No.2, but she has mentioned in this affidavit that she has waived her right of execution of that particular order. She has categorically mentioned in Paragraph No.10 of that

affidavit, she has no objection if the FIR and consequent proceedings, which are the subject matter of this application, are quashed and set aside. Considering the clear averments and no objection mentioned by the Respondent No.2 and also taking into account of the observations 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 proceedings are required to be quashed and set aside. Hence the following order.

ORDER

- (i) The Criminal Application is allowed in terms of prayer clause 'A'.
- (ii) The proceedings vide R.C.C. No. 15/2019 pending before the Judicial Magistrate First Class, Parli, District Beed arising out of CR No. 68/2018 registered at Sambhajinagar Police Station, Parli, are quashed and set aside.
- (iii) The Criminal Application is disposed of.

[BHARAT P. DESHPANDE, J.]

[SARANG V. KOTWAL, J.]

Najeeb...