

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

956 CRIMINAL APPLICATION NO.2861 OF 2021

SHAILESH SURESH SADAFULE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

.....
Advocate for Applicants : Mr. S. S. Kulkarni and Mrs. A. S. Kulkarni
APP for Respondent No.1-State : Mr. P. K. Lakhotia
Advocate for Respondent No.2 : Mr. Shaikh Sohail
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**CORAM : SARANG V. KOTWAL AND
BHARAT P. DESHPANDE, JJ.
DATED : 22nd JUNE 2022**

PER COURT:-

1. Leave to amendment. Amendment shall be carried out forthwith.
2. This is an application for quashing of the F.I.R. vide C.R. No. 332/2021 registered at Satara Police Station, Aurangabad, District Aurangabad for the offence punishable under sections 498-A, 323, 504 r.w. 34 of I.P.C. which has resulted in R.C.C. No. 3085 of 2021 pending before the Judicial Magistrate, First Class, Aurangabad.
3. The applicants are husband, his parents and two sisters. Though the application was initially filed for quashing on merits, however, subsequently during pendency of the application, the parties have arrived at amicable settlement and therefore, quashing of the proceeding is sought on the ground of settlement.

4. A joint affidavit affirmed by applicant No.1 and respondent No.2 is produced on record. In the said affidavit, in para 3, both of them have stated that during pendency of this proceeding, applicant No.1 and respondent No.2 have arrived at amicable settlement on certain terms and conditions. As per the terms and conditions, applicant No.1 was to pay Rs.2,00,000/- (Rupees Two Lakh) to respondent No.2 towards permanent alimony. Respondent No.2 has acknowledged the same. According to both the learned counsel, the amount is already paid. There was no other separate claim in respect of *stridhan*. They have filed consent terms in the Family Court at Jalna and in those terms, it was agreed that pending proceedings would be withdrawn. It is mentioned in para 4 that based on the consent terms, Family Court Jalna had allowed the divorce petition vide judgment and decree dated 5.4.2022. In para 5 respondent No.2 has stated that she does not want to proceed further in C.R. No. 332 of 2021 registered with Satara police station. Thus, it appears that it is a matrimonial dispute which is covered under the categories mentioned in para 61 of the judgment of the Hon'ble Supreme Court in the case of ***Gian Singh vs. State of Punjab and others***, reported in **(2012) 10 SCC 303**. The dispute is arising out of matrimonial discord and since the parties have resolved their entire dispute by arriving at amicable settlement, continuation of proceedings would be an abuse of the process of law.

5. In view of the above observations and in view of the settlement arrived at between the parties, which is evident from the joint affidavit, the application can be allowed. Hence, the following order.

ORDER

- I. The application is allowed in terms of prayer clause "C".
- II. The F.I.R. vide C.R. No. 332/2021 registered at Satara police station, District Aurangabad as well as the proceedings bearing R.C.C. No. 3085/2021 pending before the Judicial Magistrate, First Class, Aurangabad are quashed and set aside.
- III. Application is disposed of.

(BHARAT P. DESHPANDE, J.)

(SARANG V. KOTWAL, J.)

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