

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

CRIMINAL APPLICATION NO.593 OF 2022

AKSHAY SALUKRAM ISTAPE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. K.D. Jadhav, Advocate for the Applicants.
Mr. M.M. Nerlikar, APP, for the Respondent – State.
Mr. Mohit Deoda, Advocate for the Respondent No. 2.

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**CORAM : SMT. ANUJA PRABHUDESSAI &
R.M. JOSHI, JJ**

DATE : JANUARY 27, 2023

PER COURT :

1. With consent, heard finally at the stage of admission.

2. Learned Counsel for the Applicants and Respondent No. 2 states that the parties have settled the matrimonial dispute amicably. It is stated that in view of the settlement, the Respondent No. 2 has given no objection to quash the subject FIR and criminal proceedings pending before the competent Court. In view of which, learned Counsel for the Applicants seeks recall of the order dated 26th February, 2022 whereunder the Applicants No. 1 and 3 were permitted to withdraw the Application.

3. The order dated 26th February, 2022 of withdrawal of the application as against the Applicant nos. 1 and 3 is recalled in view of the settlement arrived at between the parties. Cause-title be amended accordingly.

4. This is an application filed under Section 482 of Code of Criminal Procedure to quash the first information report bearing Crime No. 442/2021, registered with Police Station Badnapur, Dist. Jalna and the charge-sheet no. 268/2021 registered as R.C.C. No. 8/2022 pending on the file of learned JMFC, Badnapur, for the offences punishable under Sections 498-A, 323, 504 & 34 of the Indian Penal Code and Sections 3 & 4 of the Dowry Prohibition Act.

5. The said crime was registered pursuant to the FIR lodged by the Respondent No. 2. The marriage between the Respondent No. 2 and Applicant No. 1 was solemnized on 05.04.2021. The Respondent No. 2 left the matrimonial home on 20.04.2021 and thereafter she lodged the report stating that she was subjected to physical and mental cruelty for not meeting the unlawful demand of dowry.

6. The parties have settled the matrimonial dispute. The Respondent No. 2 has filed her affidavit wherein she has stated that she and the Applicant no. 1 has agreed to file a divorce petition under Section 13(b) of the Hindu Marriage Act. The applicant no. 1 also agreed to pay the Respondent No. 2 an amount of Rs. 1 lacs. The Respondent No. 2 has given no objection for quashing the FIR.

7. Learned Counsel for the Applicants has placed on record the copy of the judgement and decree dated 03.01.2023. A perusal of which reveals that divorce petition filed under Section 13(b) of the Hindu Marriage Act has been allowed and the marriage has been dissolved with consent.

8. Learned Counsel for the Respondent No. 2 states that the Respondent No. 2 is re-married and in view of which she is unable to appear before this Court. Learned Counsel for the Respondent No. 2, under instructions, states that the Respondent No. 2 has received an amount of Rs. 1 lacs and she has no objection to quash the FIR and criminal proceedings.

9. We are satisfied that the settlement is genuine and voluntary. Since the dispute is of private nature and the parties have arrived at an amicable settlement, in our considered view, this would be a fit case to exercise jurisdiction of this Court under Section 482 of Cr.P.C.

10. Hence, the application is allowed in terms of prayer clause 'B'. Consequently, FIR bearing Crime No. 442/2021, registered with Police Station Badnapur, Dist. Jalna, charge-sheet no. 268/2021 registered as R.C.C. No. 8/2022 pending on the file of learned JMFC, Badnapur, for the offences punishable under Sections 498-A, 323, 504 & 34 of the Indian Penal Code and Sections 3 & 4 of the Dowry Prohibition Act are hereby quashed.

(R.M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J)