

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

CRIMINAL APPLICATION NO.862 OF 2023

Vaibhav s/o Manikrao Morale & ors. ... **APPLICANTS**

VERSUS

The State of Maharashtra & anr. ... **RESPONDENTS**

.....
Mr. S.S. Jadhavar, Advocate for applicants
Mr. P.N. Kutti, A.P.P. for respondent No.1.
Ms Divya Khandelwal, Advocate for respondent No.2.

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**CORAM : R.G. AVACHAT AND
KISHORE C. SANT, JJ.**

DATE : 31st OCTOBER, 2023

ORAL ORDER (PER KISHORE C. SANT, J.) :

Heard. This is an application for quashment of F.I.R. bearing Crime No.27/2023, registered at Satara Police Station, Aurangabad for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961 and the consequential charge sheet No.64/2023 and R.C.C. No.830/2023, pending before the learned VIIIth Jt. Judicial Magistrate, First Class, Aurangabad.

2. The respondent No.2 – wife has filed an affidavit, giving express consent to allow this application. The affidavit has been sworn before a Notary Public. Ms. Divya Khandelwal, learned

counsel had been appointed to represent her in the matter. Therefore, we had called upon her to ensure presence of respondent No.2 before this Court. She informs, the respondent No.2 is not at Aurangabad. A certified copy of judgment in H.M.P. No.273/2021 has been placed on record, showing that the marriage between the respondent No.2 and the applicant No.1 has been dissolved by a decree of divorce passed in terms of Section 13(1)(B) of the Hindu Marriage Act. Paragraph No.5 of the said judgment records the terms and conditions on the basis of which the parties have arrived at a settlement. The order records transfer of amount of Rs.26 Lakhs by the husband in the Bank Account of respondent No.2.

3. In view of the above, and the fact that the respondent No.2 gives express consent by filing affidavit, the application is allowed in terms of prayer clause (B).

4. The applicants to deposit amount of Rs.10,000/- (Rupees ten thousand) in this Court within one week towards fees payable to learned counsel appointed for respondent No.2. Once the amount is deposited, the same be paid to learned counsel appointed for respondent No.2.

(KISHORE C. SANT, J.)

(R.G. AVACHAT, J.)

fmp/-