

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO. 788 OF 2020

Navnath Shivaji Kapure & others

Applicants

Versus

State of Maharashtra & another

Respondents

Mr. S. B. Solanke, Advocate for the applicants.

Mr. A. R. Kale, APP for the State.

Mr. S. S Shinde, Advocate for respondent No. 2.

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

DATE : 10th FEBRUARY, 2023.

PER COURT :

1. This is an application under Section 482 of the Code of Criminal Procedure to quash First Information Report bearing Crime No. 12/2020 registered with Dhule City Police Station, Dhule, Tq. & Dist. Dhule and RCC No. 209/2021 pending on the file of learned Judicial Magistrate First Class, Dhule, for the offences punishable under Sections 498A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. Marriage of respondent No. 2 and applicant No. 1 was solemnised on 19th May, 2019. Respondent No. 2 lodged the First Information Report on 19th January, 2020, alleging that applicant

No.1 and his family members had demanded dowry and had subjected her to physical and mental cruelty for not meeting the unlawful demand. On the basis of the allegations made by respondent No. 2, crime came to be registered against applicant No. 1 and other applicants who are his family members.

3. Learned counsel for applicants and respondent No. 2 submit that the parties have now arrived at an amicable settlement. They have stated that pursuant to the settlement arrived at between the parties, they have filed petition under Section 13B of the Hindu Marriage Act which is pending before the Family Court, Dhule. It is stated that applicant No. 1 has paid amount of Rs. 50,000/- to the respondent No. 2 and balance amount of Rs. 1,00,000/- was to be paid as on the date of the decree. However, in order to safeguard the interest of respondent No. 2, applicant No. 1 has deposited the said amount before the Family Court and the applicant No. 1 has no objection if the said amount is withdrawn by respondent No. 2 once the Family Court grants the decree of divorce.

4. Applicant No. 1 and respondent No. 2 are present before us. They have affirmed the contents of the settlement. Respondent

No. 2 has admitted having received Rs. 50,000/-. She has stated that in view of settlement arrived at between the parties, she has no objection to quash the First Information Report lodged against applicant No. 1 and his family members.

5. We are satisfied that the settlement is voluntary and genuine. The proceedings are emanating from matrimonial dispute and in the light of the judgment of the Hon'ble Apex Court in the case of B. S. Joshi Vs. State of Haryana, **AIR 2003 SC 13861**, in our considered view, this is a fit case to exercise discretion to secure the ends of justice. Hence, the application is allowed.

6. First Information Report bearing Crime No. 12/2020 registered with Dhule City Police Station, Dhule, Tq. & Dist. Dhule and RCC No. 209/2021 pending on the file of learned Judicial Magistrate First Class, Dhule, for the offences punishable under Sections 498A, 323, 504, 506 read with Section 34 of the Indian Penal Code are hereby quashed.

(R. M. JOSHI)
Judge

dyb

(SMT. ANUJA PRABHUDESSAI)
Judge