

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

CRIMINAL APPLICATION NO.1472 OF 2022

Arti w/o. Anil Rajkarne and anr.	..Applicants
Vs.	
The State of Maharashtra and anr.	..Respondents

Mr.Akshay Kulkarni, Advocate for applicants
Mr.A.R.Kale, APP for respondent no.1
Mrs.A.N.Ansari, Advocate for respondent no.2

**CORAM : SMT. ANUJA PRABHUDESSAI
AND R.M.JOSHI, JJ.
DATE : FEBRUARY 09, 2023**

PER COURT :-

At the outset, learned counsel for the applicants states that the matter has been amicably settled and that the respondent no.2 has given no objection to quash the proceedings against the applicants/and her husband who is not party to this application. He seeks leave to implead the husband as applicant no.3. The prayer is not objected by learned counsel for the respondent no.2. Leave granted. The husband of the respondent no.2 shall be impleaded as applicant no.3. Amendment be carried out forthwith.

2. This is an application under Section 482 of the Code of Criminal Procedure for quashing FIR No.83 of 2022 registered with Jinsi Police Station, Dist.Aurangabad, for the offences punishable under Sections 498-A, 406, 323, 504 read with Section 34 of Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

3. During pendency of this proceedings, the parties were referred for mediation. It is stated that both the parties appeared before the Mediator and that the mediation is successful. The consent terms duly signed by the applicants herein as well as the respondent no.2 are placed on record.

4. It is stated that the applicant no.3 had executed Power of Attorney in favour of his father (applicant no.2) to enter into the consent terms on his behalf. The consent terms are also signed by the applicant no.2 on behalf of his son (applicant no.3). Learned counsel for the applicants, on instructions, states that the terms are agreeable to the husband as well as applicant nos.1 and 2. It is stated that on the basis of the said consent terms, criminal proceedings P.W.D.V.A. No.159 of 2022 filed under the D.V. Act, have been quashed by this Court. A copy of the order date 25.01.2023 in Criminal Application No.2837 of 2022 is placed on record.

5. The applicant nos.1 and 2 are present in the Court. It is stated that the applicant no.3 as well as the respondent no.2 are in Germany. Learned counsel for the applicants and learned counsel for the respondent no.2 state that they have been instructed to make statement that the matter has been finally settled and that the consent terms executed before the Mediator are in favour of them. The statement is accepted.

6. Since the proceedings are arising from a matrimonial dispute and the parties have settled the dispute amicably, in our considered view, this is a fit case to exercise the powers under Section 482 of the Code of Criminal Procedure to secure the ends of justice.

7. Hence, the petition is allowed in terms of prayer clause (C). Consequently, FIR No.83 of 2022 registered with Jinsi Police Station, Dist.Aurangabad, for the offences punishable under Sections 498-A, 406, 323 and 504 read with Section 34 of Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961, shall stand stayed.

[R.M. JOSHI, J.]
KBP

[SMT. ANUJA PRABHUDESSAI, J.]