



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

1001 CRIMINAL APPLICATION NO.1088 OF 2021

1. Pravin s/o. Sudhakar Hiwale.
2. Anjali alias Anjana w/o. Sudhakar Hiwale.
3. Sudhakar s/o. Fakirrao Hiwale.
4. Ranjana w/o. Shabastin Hiwale.
5. Chandrakant s/o. Sudhakar Hiwale. ... Applicants

Versus

1. The State of Maharashtra.
2. Kalavati w/o. Pravin Hiwale. ... Respondents

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Mr. Bipinchandra K. Patil, Advocate for Applicants.

Ms. R. R. Tandale, APP for Respondent No.1 / State.

Mr. Pravin Dajiba Jadhav, Advocate for Respondent No.2.

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CORAM : R. G. AVACHAT and
SANJAY A. DESHMUKH, JJ.

DATE : 12th December, 2023.

ORDER: (Per Sanjay A. Deshmukh, J.)

1 Leave to amend prayer clause (B). Amendment be carried out forthwith.

2 Heard the learned advocates for the respective parties.

3 This is an application, under Section 482 of the Code of Criminal Procedure, 1973, for quashment of FIR and the consequential

charge-sheet in RCC No.34 of 2021, pending in the Court of learned Judicial Magistrate First Class, Aurangabad, for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860.

4 Respondent No.2/informant averred in the report that she was treated with the cruelty. As per Criminal Application No.3207 of 2022, compromise took place between the applicants and informant before the Family Court, Aurangabad in Petition No.A-52 of 2019 (Exhibit-35). As per clause (6) of the compromise, it was agreed between the parties to settle all the disputes including civil and criminal litigation.

5 The learned counsel for applicants pointed out that a lump-sum amount of Rs.7,50,000/- is deposited in the Family Court as per the terms of compromise. He further pointed out that all the household articles were handed over to respondent No.2 and as per the compromise executed at Exhibit-35, a divorce decree has been passed by the Family Court. He lastly prayed to allow the application.

6 The learned APP and the learned counsel for respondent No.2 strongly opposed the application and submitted that a fraud has been practiced upon respondent No.2. Therefore, the report and charge-sheet cannot be quashed. They submitted that compromise is

not fully satisfied on the part of the applicants. They, therefore, prayed to reject the application.

7 Admittedly, the compromise decree is not challenged by respondent No.2. An amount of Rs.7,50,000/- is deposited with the Family Court, which is not disputed by respondent No.2. All the household articles are handed over to respondent No.2. Respondent No.2 did not dispute her signature on the compromise at Exhibit-35. Considering all these facts, subsequent conduct of the parties and entire compliance on the part of the applicants, the application deserves to be allowed in the interest of justice as per Criminal Application No.3207 of 2022. The application is, therefore, allowed in terms of prayer clause (B).

[SANJAY A. DESHMUKH, J.]

[R. G. AVACHAT, J.]

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