

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

925 CRIMINAL APPLICATION NO. 2109 OF 2022

**BHUSHAN S/O DAGDULAL BHARUKA AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Applicants : Mr. Rahul P. Mote

APP for Respondent-State : Mr. S. D. Ghayal

Advocate for Respondent No.2 : Mr. A. S. Awalgaonkar h/f Mr. D. P. Palodkar

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

DATE : 28 FEBRUARY 2023

PER COURT :-

1. This is an application under Section 482 of the Code of Criminal Procedure (Cr.P.C.) to quash the FIR being crime no. 77 of 2022 registered with Sillod (City) Police Station and R.C.C. No. 234/2022 pending on the file of learned JMFC, Sillod for the offences punishable under Sections 498-A, 323, 504, 506 of the Indian Penal Code (IPC).

2. The marriage of respondent no.2 and applicant no.5 was solemnized on 10.06.2017. Respondent no.2 lodged the FIR on 12.05.2022 alleging that applicant no.5 and his family members had subjected her to physical and mental cruelty for not meeting an unlawful demand of dowry. Based on the allegations contained in the FIR, the aforestated crime came to be registered against applicant no.5 and his family members.

3. Learned counsel for the applicants and learned counsel for respondent no.2 state that applicant no.5 and respondent no.2 have settled the matrimonial dispute and that marriage has been dissolved by judgment and decree dated 19.01.2023 in application no. A-253/2020.

4. Perusal of the said judgment indicates that applicant no.5 had agreed to pay to respondent no.2 an amount of Rs.21,00,000/- (Rupees Twenty One Lakh only) towards permanent alimony and an amount of Rs.53,000/- was to be invested in the name of child in Fixed Deposit. Learned counsel for the applicants has placed on record a receipt to indicate that an amount of Rs.21,00,000/- has been deposited before the Family Court, Aurangabad by way of Demand Draft and that he has paid Rs.53,000/- to respondent no.2. He has placed on record the pursis wherein respondent no.2 has acknowledged having received the said money. Learned counsel for respondent no.2 also confirms that the matrimonial dispute between respondent no.2 and applicant no.5 has been amicably settled and that applicant no.5 has complied with the consent terms filed before the Family Court. In view of the settlement, respondent no.2 has no objection to quash the FIR and the criminal proceedings arising therefrom.

5. Considering the fact that the parties have resolved the matrimonial dispute and in view of the principles laid down by the Hon'ble Apex Court in

the case of **B. S. Joshi v. State of Haryana [AIR 2003 SC 1386]**, in our considered view, this is a fit case to quash the proceedings by exercise of inherent powers under Section 482 of Cr.P.C. to secure the ends of justice. In the result, the application is allowed in terms of prayer clause (B). Consequently, the FIR being crime no. 77 of 2022 registered with Sillod (City) Police Station and R.C.C. No. 234/2022 pending on the file of learned JMFC, Sillod for the offences punishable under Sections 498-A, 323, 504, 506 of IPC stand quashed. The criminal application is accordingly disposed off.

(R. M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J.)

VRE