

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2372 OF 2022

Yusuf Khan S/o Ahamad Khan and Ors ...Applicants

Versus

The State of Maharashtra & Anr ...Respondents

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Mr. G.V. Mohekar, Advocate for the Applicants.

Mr. P.G. Borade, APP, for the Respondent – State.

Mr. S.S. Wakure, Advocate for the Respondent No. 2.

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

DATE : JANUARY 27, 2023

PER COURT :

1. With consent, heard finally at the stage of admission.

2. This is an application filed under Section 482 of Cr.P.C to quash R.C.C. No. 809/2008 for the offences punishable under Sections 498-A, 504, 506 read with Section 34 of the Indian Penal Code pending on the file of learned CJM, Osmanabad.

3. The aforesaid crime was registered pursuant to the private complaint lodged by the Respondent No. 2 alleging physical and mental cruelty at the hands of

applicants for not meeting unlawful demand of dowry. Learned Counsel for the Applicants and Respondent No. 2 states that during the pendency of the said criminal proceedings parties have arrived at settlement. The settlement terms were filed before the learned CJM, Osmanabad and that permission has been granted to compound only compoundable offence. Since the offence under Section 498-A is not compoundable, the present application is filed to quash the R.C.C in view of settlement arrived between the parties.

4. The parties have placed on record settlement terms which are filed by the Applicants as well as by the Respondent No. 2. The said terms are signed by the Respondent No. 2 and by the Applicants. As per the terms, both parties have agreed to withdraw the proceedings filed against each other and the parties have agreed that the custody of the minor child to remain with the Respondent No. 2.

5. Learned Counsel for the Applicants states that in addition, the Applicant no. 1, husband of Respondent No. 2, has also deposited an amount of Rs. 5 lacs before this Court to be paid to the minor child.

6. Learned Counsel for the Respondent No. 2, under instructions, states that parties have settled the dispute amicably and the Respondent No. 2 has no objection to quash the proceedings. The proceedings essentially emanate from the matrimonial dispute and since the parties have settled the dispute amicably as per the consent terms, which in our considered view are genuine and voluntary, no fruitful purpose will be served in compelling the applicants to face criminal prosecution. Hence, this is a fit case to exercise discretion under Section 482 of Cr.P.C. to quash the subject criminal proceedings, to secure the ends of justice.

7. In the result, the application is allowed in terms of prayer clause 'C'. Consequently, R.C.C. No. 809/2008 for the offences punishable under Sections 498-A, 504, 506 read with Section 34 of the Indian Penal Code pending on the file of learned CJM, Osmanabad is hereby quashed.

8. The amount of Rs. 5 lacs deposited by the Applicant No. 1 before this Court on 25.01.2023 under

cheque no. 275172 shall be invested in the name of Alvira Yusuf Khan in any Nationalized Bank for a period of seven years, with further direction that neither the Respondent No. 2 nor any other person shall be permitted to encash the said fixed deposit receipt before it's maturity.

(R.M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J)