

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

CRIMINAL APPLICATION NO.1820 OF 2021

Prashant s/o Dilip Patil & ors. ... APPLICANTS

VERSUS

The State of Maharashtra & anr. ... RESPONDENTS

.....
Mr. C.V. Dharurkar, Advocate for applicants
Mr. S.D. Ghayal, A.P.P. for respondent No.1.
Mr. N.K. Chaudhari, Advocate for respondent No.2.
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**CORAM : SMT. ANUJA PRABHUDESSAI AND
R.M. JOSHI, JJ.**

DATE : 2nd MARCH, 2023

P.C. :

This is an application under Section 482 of the Code of Criminal Procedure to quash First Information Report No.190/2020, registered with Muktainagar Police Station, District Jalgaon and the consequent R.C.C. No.38/2021, pending on the file of learned Judicial Magistrate, First Class, Muktainagar, District Jalgaon for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. The aforesaid crime was registered pursuant to the

First Information Report lodged by respondent no.2. The marriage between the respondent No.2 and applicant No.1 was solemnized on 19/2/2017. She lodged the First Information Report on 2/11/2020, alleging that her husband and his relatives had subjected her to physical and mental cruelty. On the basis of the allegations made in the First Information Report, the aforesaid crime came to be registered and upon conclusion of the investigation, charge sheet came to be filed.

3. Learned counsel for the applicants and respondent No.2 state that during the pendency of the application, the parties have settled their dispute amicably. In the previous order dated 19/1/2023, we had observed that the parties had agreed to file divorce proceedings before the Family Court/ Civil Court by mutual consent under Section 13(B) of the Hindu Marriage Act and that the applicant No.1 husband had agreed to pay respondent No.2 Rs.20,00,000/- towards permanent alimony. Since the statement was made by learned counsel for respondent No.2 that the divorce proceedings were not filed and the amount of Rs.20,00,000/- was not deposited before the Court, learned counsel for the applicants and respondent No.2 have stated today that the divorce proceedings have already been filed and that the amount of Rs.20,00,000/- has been deposited before the learned Judicial Magistrate, First Class,

Bhusawal. It is further stated that the divorce proceedings are concluded and that the marriage has been dissolved by mutual consent. Learned counsel for the applicants has made a statement that the respondent No.2 would withdraw amount of Rs.10,00,000/- out of the said amount and the amount of Rs.10,00,000/- shall be invested in a fixed deposit in the name of the child in any Nationalised Bank till the child attains the age of majority.

4. Since the parties have settled the dispute amicably and the statement is genuine and voluntary, in our 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.

5. In the result, the application is allowed. First Information Report No.190/2020, registered with Muktainagar Police Station, District Jalgaon and the consequent R.C.C. No.38/2021, pending on the file of learned Judicial Magistrate, First Class, Muktainagar, District Jalgaon for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code stand quashed.

(R. M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J.)

fmp/-