

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

**930 CRIMINAL APPLICATION NO. 3573 OF 2022
WITH APPLN/1489/2022**

**MUZAFFAR ALI MUKHTAR ALI RANGREJ
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Applicants : Mr. G. R. Syed
APP for Respondent No.1-State : Mr. S. D. Ghayal
Advocate for Respondent No.2 : Mr. Mohammed Asim

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

DATE : 28 FEBRUARY 2023

PER COURT :-

1. These applications are filed under Section 482 of the Code of Criminal Procedure (Cr.P.C.) to quash the FIR being crime no.28/2014 registered with Nandurbar City Police Station and R.C.C. No. 259/2014 pending on the file of learned JMFC, Nandurpar for the offences punishable under Sections 498-A, 323, 504 and 506 r/w 34 of IPC as well as the FIR being crime no. 373 of 2019 registered with Nandurbar City Police Station and the consequential R.C.C. No. 155 of 2021 pending on the file of learned JMFC, Nandurbar for the offences punishable under Sections 420, 323, 504, 506(2) and 201 of IPC.

2. Learned counsel for the applicants and learned counsel for respondent no.2 state that both the parties have settled the dispute amicably. They have placed on record an affidavit filed by respondent no.2 wherein respondent no.2 has stated that they have settled the dispute amicably. Applicant no.1-husband has agreed to pay to her an amount of Rs.5,50,000/- which has been deposited before this Court. In addition, an amount of Rs.60,000/- in cash is agreed to be paid to respondent no.2 towards litigation expenses. Respondent no.2 is present before the Court. She confirms the contents of the affidavit and states that the matrimonial dispute has been settled amicably. She also confirms the contents of the settlement.

3. Crime no. 28/2014 and the consequential R.C.C. No. 259/2014 essentially emanate from the matrimonial dispute. Since the parties have settled the matrimonial dispute amicably and the settlement is genuine and voluntary, in our considered view, this would be a fit case to exercise our discretion under Section 482 of Cr.P.C. and quash the said crime.

4. As regards crime no. 373/2019, records reveal that earlier the parties entered into a settlement and applicant had agreed to pay to respondent no.2 the agreed amount. It appears that after having entered into the settlement, applicant no.1 took away the cheque and refused to pay the amount which

was agreed to be paid to respondent no.2, in view of which, respondent no.2 was compelled to file a separate complaint against the applicant. Learned counsel for the applicant states that the additional amount of Rs.60,000/- which is paid to respondent no.2 is paid to her towards the legal expenses since she was compelled to file the second complaint. Respondent no.2 has given her no objection to quash the crime no. 373/2019 and the consequential criminal proceedings arising therefrom.

5. The parties have settled the dispute amicably and considering the nature of the dispute, in our considered view, this would be a fit case to exercise discretion under Section 482 of Cr.P.C. and quash crime no. 373/2019 and the consequential criminal proceedings arising therefrom.

6. In the result, the applications are allowed. Crime no.28/2014 registered with Nandurbar City Police Station and R.C.C. No. 259/2014 pending on the file of learned JMFC, Nandurbar for the offences punishable under Sections 498-A, 323, 504 and 506 r/w 34 of IPC stands quashed. Similarly, crime no. 373 of 2019 registered with Nandurbar City Police Station and the consequential R.C.C. No. 155 of 2021 pending on the file of learned JMFC, Nandurbar for the offences punishable under Sections 420, 323, 504, 506(2) and 201 of IPC also stand quashed subject to payment of costs of Rs.15,000/- by the applicant to be deposited in the bank A/c No.01811000053339 of

Snehalaya, Ahmednagar, maintained by the HDFC Bank, Market Yard Branch
[IFSC : HDFC0000181 Samadhan Dhalgude Sup. Snehalaya (9011026493)]
within two weeks.

7. Respondent no.2 is permitted to withdraw the amount of Rs.5,50,000/-
deposited by the applicant before this Court and or transfer the same to her
A/c No.60129315952 with the Bank of Maharashtra, Branch Nandurbar
having IFSC Code No. MAHB0000366.

8. Both the criminal applications are accordingly disposed off.

(R. M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J.)

VRE