

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3826 OF 2022

NAVIN KISHOR MORE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Mr.R.R. Kazi, Advocate for the Applicants.

Mr. S.D. Ghayal, APP, for the Respondent – State.

Ms. Aummaheshwari S. Jadhav, Advocate for the
Respondent No. 2.

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

DATE : JANUARY 18, 2023

PER COURT :

1. Learned APP states that even before filing of the application, charge-sheet had been filed which is registered as R.C.C. No. 292/2016 pending on the file of learned JMFC, Sangamner.

2. In view of the said statement, learned Counsel for the Applicants seeks leave to amend the application and to place on record copy of the charge-sheet.

3. Leave granted. Amendment to be carried out forthwith.

4. This is an application under Section 482 of Code of Criminal Procedure to quash the FIR No.

109/2014 registered with Sangamner City Police Station, Sangamner and consequent R.C.C. No. 292/2016, pending on the file of learned JMFC, Sangamner for the offences punishable under Sections 498-A, 406, 323, 504, 506 read with Section 34 of the Indian Penal Code.

5. The aforesaid crime was registered pursuant to the first information report lodged by the Respondent No. 2. The marriage between the Applicant No. 1 and Respondent No. 2 was solemnized on 30.12.2012. The Respondent No. 2 lodged the first information report on 20.05.2014 alleging that the Applicant No. 1 and his family members i.e., Applicant Nos. 2 to 6 have subjected her to physical and mental cruelty for not meeting unlawful demands of dowry. The crime has been investigated and charge-sheet has been filed against the applicants for the aforestated offences.

6. Learned Counsel for the Applicants and learned Counsel for Respondent No. 2 state that the parties have arrived at settlement and, pursuant to which the applicant No. 1 and Respondent No. 2 had filed divorce petition under Section 13(b) of Hindu Marriage Act which has been decreed on 08.07.2016. It is stated that

the Respondent No. 2 has remarried. She has filed her affidavit confirming that the matter has been mutually settled and she has received a total amount of Rs. 5,00,000/- from the Applicant no. 1.

7. Learned Counsel for the Respondent No. 2 states that since the Respondent No.2 has remarried, she is unable to appear before the Court as she does not wish to disturb her matrimonial ties with the second husband. Learned Counsel for the Respondent No. 2, under instructions, states that Respondent No. 2 has entered into the settlement voluntarily and she has no objection to quash the first information report as well as criminal proceedings arising therefrom.

8. In the light of the said statement and also considering the fact that the parties have mutually settled the dispute, and following the dictum of Apex Court in case of B.S. Joshi Vs. State of Haryana reported in AIR 2003 (SC) 1386, in our considered view this is a fit case to exercise discretion under Section 482 of Cr.P.C.

9. Hence, the application is allowed in terms of

prayer clause 'B'. Consequently, the FIR No. 109/2014 registered with Sangamner City Police Station, Sangamner and consequent R.C.C. No. 292/2016, pending on the file of learned JMFC, Sangamner for the offences punishable under Sections 498-A, 406, 323, 504, 506 read with Section 34 of the Indian Penal Code, are hereby quashed and set aside.

10. The fees of the appointed Advocate is quantified @ Rs. 6,000/-.

(R.M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J)