

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

CRIMINAL APPLICATION NO.4319 OF 2022

Viral Dhiren Gala and ors.

..Applicants

Vs.

The State of Maharashtra
and anr.

..Respondents

Mr.M.R.Sonawane, Advocate for applicants

Mr.P.G.Borade, APP for respondent no.1

Mr.V.P.Deshmukh, Advocate for respondent no.2

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

DATE : FEBRUARY 01, 2023

ORDER :-

This is an application under Section 482 of the Code of Criminal Procedure for quashing FIR No.0172 of 2022 registered with Sadar Bazar Police Station, Dist.Jalna, for the offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of Indian Penal Code as well as the criminal proceedings, i.e. R.C.C. No.407 of 2022, pending on the file of learned Judicial Magistrate, First Class, Court No.3, Jalna.

2. Heard learned counsel for the applicants, learned APP for respondent no.1 and learned counsel for respondent no.2.

3. The aforesaid crime was registered pursuant to the FIR lodged by respondent no.2. It is alleged that the marriage of the respondent no.2 and the applicant no.1 was solemnized on 15.12.2013. She lodged the FIR on 19.12.2020, alleging that the applicants being her husband and his relatives, subjected her to physical and mental cruelty. On the basis of the allegations made in the FIR, the aforesaid crime came to be registered.

4. Learned counsel for the applicants and learned counsel for the respondent no.2 state that the parties have settled the dispute amicably. The respondent no.2 has filed her affidavit, wherein it is stated that the matrimonial dispute has been amicably settled. In pursuance of the settlement terms, the parties have filed a joint divorce petition, i.e. Hindu Marriage Petition No.68 of 2022, before the Family Court at Jalna. The applicant no.1 agreed to pay to the respondent no.2 an amount of Rs.12 Lakhs towards full and final maintenance amount, out of which Rs.3 Lakhs has been received by the respondent no.2 by demand draft. Learned counsel for the applicants states that the balance amount of Rs.9 Lakhs has been deposited before the Family Court, Jalna. He has placed on

record a photocopy of the demand draft of Rs.9 Lakhs. Learned counsel for the respondent no.2 confirms that the said amount has been deposited. The respondent no.2 is also present before this Court. She also admits receipt of Rs.3 Lakhs. She states that she has no objection to quash the FIR.

5. We are satisfied that the settlement is genuine and voluntary. Considering that the dispute is essentially a matrimonial dispute and that the parties have settled the dispute amicably, we are of the considered view that this is a fit case to exercise the powers under Section 482 of the Code of Criminal Procedure, to secure the ends of justice.

6. In view of the above, the application is allowed in terms of prayer clause (C). Consequently, FIR No.0172 of 2022 registered with Sadar Bazar Police Station, Dist.Jalna, for the offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of Indian Penal Code as well as the criminal proceedings, i.e. R.C.C. No.407 of 2022, pending on the file of learned Judicial Magistrate, First Class, Court No.3, Jalna, shall stand quashed.

7. The amount of Rs.9 Lakhs deposited by the applicants in the Family Court, be paid to the respondent no.2 – Surabhi Viral Gala, immediately on passing of decree of divorce by Family Court.

[R.M. JOSHI, J.]

[SMT. ANUJA PRABHUDESSAI, J.]

KBP