

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1328 OF 2022

Dipesh Vilas Shingasane and ors. ... Applicants

Versus

State of Maharashtra and anr. ... Respondents

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Mr. Amar Gharte i/b Mr. Sandip Kurkute for the Applicants.
Mr. S. V. Gawand, APP for the State.
Mr. Sameer Parkar a/w Mr. Yash Fadtare i/b Mr. Vaibhav Kadam for Respondent No. 2.

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**CORAM : SMT. ANUJA PRABHUDESSAI &
N.R. BORKAR, JJ.**

DATED : 21 SEPTEMBER 2023

P.C. :-

Learned counsel for the petitioner states that during the pendency of the petition the charge-sheet has been filed and the same has been registered as RCC No. 328 of 2022, pending on the file of 2nd Joint JMFC Shahapur, District Thane. He seeks leave to amend the prayer clause. Leave granted. Amendment to be carried out forthwith.

2. This is an application under Section 482 of Code of Criminal Procedure to quash RCC No. 328 of 2022 pending on the file of 2nd Joint JMFC Shahapur, District Thane,

arising from Crime No. 174 of 2022 registered with Kinhavali Police Station for offences under Section 498-A, 504, 506 r/w 34 of the Indian Penal Code.

3. The marriage of respondent No. 2 and applicant No. 1 was solemnized on 26 April 2021. The matrimonial dispute between the parties led to filing of the First Information Report dated 1 September 2022 against the husband and his family members alleging demand for dowry and cruelty. The respondent No. 2 had also filed DV proceedings (PWDVA/15/2022) before the JMFC Shahapur.

4. Learned counsel for the applicants and respondent No. 2 state that the applicant No. 1 and respondent No. 2 have settled the matrimonial dispute and that consent terms have been filed in DV proceedings before JMFC, Shahapur. He has placed on record copy of the consent terms.

5. Learned counsel for respondent No. 2 states that pursuant to the consent terms, the applicant No. 1 has paid to the respondent No. 2 an amount of Rs. 2,25,000/-.

6. The Respondent No. 2 is present before the Court. She confirms the contents of the consent terms and accepts having received the amount of Rs. 2,25,000/- from the applicant No. 1. She has no objection to quash the criminal proceedings arising from FIR No. 174 of 2022.

7. Considering the fact that both the parties have decided to put an end to the matrimonial dispute and move ahead in their lives, in our considered view, this is a fit case to exercise powers under Section 482 of the Code of Criminal Procedure to secure the ends of justice. Hence, the following order:

- (i) Application is allowed.
- (ii) RCC No. 328 of 2022 pending on the file of 2nd Joint JMFC Shahapur, District Thane, arising from Crime No. 174 of 2022 registered with Kinhavali Police Station for offences under Section 498-A, 504, 506 r/w 34 of the Indian Penal Code stands quashed.

(N.R. BORKAR, J.) (SMT. ANUJA PRABHUDESSAI, J.)