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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO.654/2023

Rushikesh Dashrath Gudhe and others Vs. State of Maharashtra & another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. PS.Chawhan, Advocate for applicants.
Mr. S.S.Doifode, APP for respondent no.1/State.
Ms. Firdos Khan, Advocate for respondent no.2.

CORAM : NITIN W. SAMBRE AND VALMIKI SA MENEZES JJ.
DATED : 29/09/2023

1. The prayer is for quashing of Crime No.195/2023 registered on 3rd March, 2023 for an offence punishable under Section 498-A read with Section 34 of the Indian Penal Code.
2. The Complainant i.e. respondent no.2 was married to applicant no.1 on 29th November, 2020. Applicant nos.2 and 3 are in-laws of respondent no.2.
3. Based on the allegations of ill-treatment, cruelty and demand of dowry, the aforesaid offence came to be registered.
4. We are informed by the respective counsels that the parties have already entered into settlement as decree of divorce by mutual consent was obtained vide order dated 22nd August, 2023 passed by the Court of Civil Judge, Senior Division, Pusad.
5. Respondent no.2 – Complainant, who is present in the Court through her counsel, informs that she has already received entire amount of

alimony. Accordingly, she has placed on record an affidavit thereby extending consent for quashing voluntarily and out of her free will.

6. As the parties have decided to part their ways, in view of the decree for divorce by mutual consent and having regard to the voluntary consent extended by respondent no.2 – Complainant, no purpose will be served by keeping the proceedings pending against the applicants. Having regard to the law laid down in the matters of **Gian Singh Vs. State of Punjab and Anr.** reported in **2012 (10) SCC 303** and **Narinder Singh & ors. Vs. State of Punjab and Anr.** reported in **2014(4) SCALE 195**, we deem it appropriate to allow the present application in terms of prayer clause (i), in view of consent extended by respondent no.2/Complainant, subject to payment of costs of Rs.5000/- by each of the applicant within a period of six weeks from today. Failure to pay costs shall result in revival of present order automatically and the matter shall be termed as dismissed without further reference to the court. Cost be deposited with the High Court Gazetted Officers' Association, Nagpur.

7. Criminal Application stands disposed of accordingly.

(VALMIKI SA MENEZES, J.)

(NITIN W. SAMBRE, J.)

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