



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

CRIMINAL APPLICATION NO. 3723 OF 2024

1. Liladhar S/o Tulshiram Date,
Age: 50 Years, Occ. Teacher,
R/o.Sagoda, Danapur, Sangrampur,
Dist. Buldhana.
 2. Sagar S/o Liladhar Date,
Age: 28 Years, Occ. Private Service,
R/o. As above.
 3. Ajay S/o Liladhar Date,
Age : 26 Years, Occ. Business,
R/o. As above.
 4. Sapna W/o Vishgal Wankhede,
Age : 32 years, Occ. Housewife,
R/o. "Gurukrupa" Near Hanuman Temple,
Hanuman Nagar, Umari, Dist. Akola.
 5. Vishal S/o Vijay Wankhede,
Age : 41 Years, Occ. Government Servant,
R/o. As above.
 6. Pratima @ Pritama @ Pratibha
W/o Gajanan Kalpande,
Age : 52 Years, Occ. Housewife,
R/o. Nimkhed Bazar, Anjangaon Murji,
Dist. Amravati.
 7. Gajanan S/o Shriram Kalpande,
Age : 60 Years, Occ. Agriculture,
R/o. As above
- ..Applicants

VERSUS

1. The State of Maharashtra,
 2. Gajanan S/o Tulshiram Ingle,
Age : 57 Years, Occ. Private Service,
R/o. Plot No. 29, Jaiswal Plotting,
Guru Ganesh Nagar, Pahadsinghpura,
Aurangabad.
- ..Respondents

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Advocate for the Applicants : Mr. K. A. Ingle
A.P.P. for Respondent No.1 State : Mrs. R. P. Gour
Advocate for Respondent No.2 : R. M. Gaikwad

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**CORAM : SMT. VIBHA KANKANWADI AND
R. W. JOSHI, JJ.**

DATED : NOVEMBER 28, 2024

ORDER:-

1. Present application has been filed for quashing the proceeding in Regular Criminal Case No. 1152 of 2021 pending before learned 7th Judicial Magistrate, First class, Aurangabad arising out of First Information Report vide Crime No. 290 of 2020, registered with Begampura Police Station, Aurangabad dated 21.09.2020 for the offence punishable under Sections 406, 500 read with Section 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

2. Respondent No.2, who is father of the victim, has filed affidavit as well as the victim has also filed affidavit wherein they have stated that there is settlement between them and the applicants. In fact, they had filed pursis before the learned Magistrate on 23.07.2024 and then the learned Magistrate had kept the matter before the *Lok Adalat* which was scheduled on 27.07.2024. However, as Section 4 of the Dowry Prohibition Act is non compoundable, the *Lok Adalat*

could not take up that matter. Now the respondent No.2 and the victim have no grievance and are ready for quashing of the proceedings including the First Information Report.

3. Taking into consideration the affidavits and the facts of the case and also taking into consideration the future of the victim, there is no hurdle in exercising the powers of this Court under Section 482 of the Code of Criminal Procedure. However, it will not be out of place to mention here that the applicants had approached this Court by filing Criminal Application No.1995 of 2020 which came to be decided on 26th July 2022. Even at that time, charge sheet was filed and taking into consideration the contents of the charge sheet this Court had rejected the application. Now the facts are changed in view of the settlement between the parties. However, as regards the applicants are concerned, cost deserves to be imposed in view of the fact that the entire machinery has been utilized and even the judicial forum is exhausted.

4. Before parting, we must observe that as regards pursis that was filed Exhibit 52 before the learned trial Court, it appears that the applicants and the informant were not

advised properly. Pursis is always filed as intimation to the Court and further the learned Magistrate in placing the said matter before the *Lok Adalat* has erred. The learned Magistrate ought to have considered the offences first. The *Lok Adalat* will have jurisdiction to take up those matters only which are in respect of compoundable sections. Parties should not be dragged to *Lok Adalat* when the *Lok Adalat* itself will have no jurisdiction to entertain such case.

5. As the case is now made out, we allow the application and pass the following order :-

ORDER

- (I) The application is allowed.
- (II) The proceeding in Regular Criminal Case No. 1152 of 2021 pending before the learned 7th Judicial Magistrate, First Class, Aurangabad arising out of First Information Report vide Crime No. 290 of 2020 registered with Begampura Police Station, Aurangabad dated 21.09.2020 under Sections 405, 500 read with Section 34 of the Indian Penal Code are hereby quashed and set aside as against applicant No.1 Liladhar S/o Tulshiram Date applicant No.2 Sagar Liladhar Date, applicant No.3 Ajay Liladhar Date, applicant No.4 Sapna W/o Vishal Wankhede, applicant No.5 Vishal Vijay Wankhede, applicant

No.6 Pratima @ Pritama @ Pratibha W/o Guajanan Kalpande,
applicant No.7 Gajanan S/o Shriram Kalpande.

(III) The applicants should deposit amount of Rs. 7,000/-
(Rupees Seven Thousand) to the High Court Legal Services
Authority, Bench at Aurangabad within a period of one week
from today.

(R.W. JOSHI)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE

Y.S. Kulkarni