
(2022) 10 BOM CK 0115

In the Bombay High Court

Case No : Criminal Application (APL) No.1014 Of 2021

Anand And Others

APPELLANT

Vs

State Of Maharashtra And Others

RESPONDENT

Date of Decision : 20-10-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 34, 498A
Dowry Prohibition Act, 1961 — Section 3

Citation : (2022) 10 BOM CK 0115

Hon'ble Judges : Rohit B.Deo, J;Urmila Joshi Phalke, J

Bench : Division Bench

Advocate : Manju Ghatode, N.Meshram, T.A.Mirza

Final Decision : Allowed

Judgement

Urmila Joshi-Phalke, J

1. Heard learned counsel Mrs.Manju Ghatode for applicants, learned counsel Shri N.Meshram for non-applicant No.2, and learned Additional Public Prosecutor Shri T.A.Mirza for non-applicant No.1/State. Rule. Rule made returnable forthwith and heard finally.

2. The applicants have preferred this application under Section 482 of the Code of Criminal Procedure for quashing First Information Report No.586/2018 registered with Nandanwan Police Station, District Nagpur for offences punishable under Section 498-A read with Section 34 of the Indian Penal Code and under Section 3 of the Dowry Prohibition Act. After investigation, chargesheet was also filed and applicants had prayed for quashment of the said charge-sheet.

3. Non-applicant No.2 - Sou.Priti w/o Anand Dekate had lodged report against applicants on an allegation that her marriage is solemnized with applicant No.1 Anand s/o Devendra Dekate and applicant Nos.2 to 4 are her in-laws. After

marriage, she was ill-treated by demanding amount for purchasing a flat and construction of a plot. On the basis of the said report, police registered the offence.

4. During pendency of the application, applicants and non-applicant No.2 arrived at an amicable settlement. Both parties have decided to dissolve the marriage between applicant No.1 and non-applicant No.2. Out of the said settlement, non-applicant No.2 agreed to accept Rs.10,35,000/- towards permanent maintenance.

5. The applicants and non-applicant No.2 are present before the Court. We personally interacted with non-applicant No.2 and she accepted terms and conditions agreed before the Family Court. Considering the amicable settlement between the parties and both parties have decided to dissolve the marriage, no purpose will be served by compelling applicants to face the prosecution. However, considering that entire police machinery was set into motion by non-applicant No.2 during this period and now both have decided to dissolve the marriage, application deserves to be allowed subject to costs.

6. In this view of the matter, we pass following order :

ORDER

1) The criminal application is allowed.

2) First Information Report No.586/2018 registered with Nandanwan Police Station, District Nagpur for offences punishable under Section 498-A read with Section 34 of the Indian Penal Code and under Section 3 of the Dowry Prohibition Act and chargesheet are quashed and set aside subject to costs of Rs.20,000/- by applicant No.1 and non-applicant No.2 each to be deposited with the Registry of this Court today itself.

3) Needless to mention that this order shall not come into effect, till the above mentioned costs is deposited.

With this, the criminal application stands disposed of.

Rule is made absolute in above said terms.