

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

CRIMINAL APPLICATION NO. 3507 OF 2015

Mujahid s/o Ibrahim Pathan

...Applicant

VERSUS

The State of Maharashtra

...Respondent

.....
Shri Sk. Mazhar A. Jahagirdar, advocate for applicant
Shri K.S.Patil, A.P.P. for respondent/State
Shri T.J.Momin, advocate for respondent no.2
.....

CORAM : A.B.CHAUDHARI & INDIRA K.JAIN, JJ.
DATED : 4th SEPTEMBER, 2015

ORDER :

- 1] Rule. Rule is made returnable forthwith.
- 2] Heard learned counsel for rival parties.
- 3] Following is the prayer in prayer clause (B).
“(B) The proceeding in F.I.R. Bearing C.R.No.I-119/2015 registered with Shevgaon police station, District Ahmednagar for the offences punishable under Section 498(A), 323, 504, 506 and 34 of Indian Penal Code may kindly be quashed and set aside.”
- 4] Respondent/complainant wife is present with her advocate; while applicant no.1 husband is present with his advocate.
- 5] Counsel for respondent no.2 Shri T.J.Momin has tendered affidavit sworn by respondent no.2. Taken on record. In the said affidavit, in para 2 she has stated as under : -

“2. I say and submit that the applicant no.1 is my husband and others are my in laws. The original complaint was lodged by me and in short span of time I went to reside with the applicants. Out of the wedlock I have three issues and with them I am happily residing with the applicants. The complaint was filed in anger and there is no any such grievance as such against the present applicants. As the proceeding is pending in the court of law, my in-laws have to pursue the same and which causes inconvenience to them. The same is causing interference in my happy married life.”

6] In view of the above statement, we are satisfied that powers under Section 482 of the Code of Criminal Procedure can be exercised, particularly when after interview with respondent no.2 wife, she stated that she has started residing with her husband along with her three children. Husband states that he will henceforth treat his wife and children properly and would not trouble any of them.

7] For the above reasons, we pass following order.

ORDER

Rule is made absolute in terms of prayer clause 'B'.

[INDIRA K.JAIN, J.]

[A.B.CHAUDHARI, J.]