

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.5949 OF 2014

- 1) Sunil s/o Himmat Bhide @ Bide,
Age-25 years, Occu:Service,
- 2) Himmat s/o Ratan Bhide @ Bide,
Age-55 years, Occu:Agri.,
- 3) Chandrakal w/o Himmat Bhide @ Bide,
Age-50 years, Occu:Household,
- 4) Kiran s/o Himmat Bhide @ Bide,
Age-30 years, Occu:Agri.,
- 5) Manisha w/o Kiran Bhide @ Bide,
Age-27 years, Occu:Agri.,
- 6) Sachin s/o Himmat Bhide @ Bide,
Age-27 years, Occu:Agri.,
- 7) Kavita w/o Sachin Bhide @ Bide,
Age-24 years, Occu:Agri.

Applicant Nos. 1 to 3, 6 & 7
R/o-Patilwada, Ringroad, Near River,
Near Gayke House, Tq-Chalisgaon,
Dist-Jalgaon,

Applicant Nos. 4 & 5
R/o-Shashikal Nagar,
Hirapur Road, Chalisgaon,
Tq-Chalisgaon, Dist-Jalgaon,

- 8) Manglabai w/o Dadaji Salunkhe,
Age-25 years, Occu: Agri.,
R/o-Belganga, Tq-Chalisgaon,
Dist-Jalgaon.

...APPLICANTS

VERSUS

- 1) The State of Maharashtra,
Through the Police Sub Inspector,
Kasoda Police Station,
Tq-Erandol, Dist-Jalgaon,
- 2) Sangita w/o Sunil Bhide @ Bide,
Age-21 years, Occu:Household,
R/o-C/o-Dattatray Ramdas Pawar,
Village Kasoda, Tq-Erandol,
Dist-Jalgaon.

...RESPONDENTS

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Mr. Ujjwal S. Patil Advocate for Applicants.
Mr. S.D. Kaldade, A.P.P. for Respondent No.1.
Mr. M.P. Pawde Advocate h/f. Mr. S.M.
Ganachari Advocate for Respondent No.2.

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**CORAM: S.S. SHINDE AND
A.I.S. CHEEMA, JJ.**

DATE : 16TH JUNE, 2015

ORAL ORDER :

1. Rule, returnable forthwith. By consent
of the parties, taken up for final hearing.

2. This Application is filed with the prayer

that the impugned F.I.R. Crime No.46/2014 dated 21st September 2014 registered with Kasoda Police Station, Tq-Erandol, Dist-Jalgaon for offence punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code may kindly be quashed and set aside.

3. In pursuance to notice issued to Respondent No.2 i.e. original complainant, has filed the affidavit-in-reply. Para Nos.4 to 7 of the said affidavit-in-reply read thus:

"04. I Say and submit that, the present deponent/Complainant and present Applicants are close relatives. The Applicant No. 1 husband and present deponent is wife and at instance of the Present Complainant the impugned crime No. 46/2014 dated 21/07/2014 u/s. 498-A, 323, 504, 506 r/w 34 of Indian Penal Code was registered with Kasoda Police Station, Kasoda, Tal. Erandol, Dist. Jalgaon. The Applicants filed the present Criminal

Application No.5949/2014 before this Hon'ble High Court for quashing of above said Crime. This Hon'ble High Court issued the notices to present Deponent/Complainant in present Criminal Application. Now the Deponent/Complainant and Applicant decided to settle the dispute between them by way of amicable settlement and decided to stay together at house of Applicant No.1 at Chalisgaon.

05. I say and submit that, the deponent/complainant decided to settle the dispute between them and further she is now returned to the Applicant No. 1/husband's house at Chalisgaon and decided to stay happy with her husband and other Applicants. Hence the deponent/complainant not willing to proceed with impugned crime No.46/2014 which was registered with Kasoda Police at her instance. It would not be out of place to mention here that the above said settlement was accepted by the Non-Applicant No.2/deponent and Applicants with free will, consent, without any force, fraud, undue influence and coercion at the hands of either party.

06. I say and submit that, the Deponent/Complainant and Applicants decided to settle the dispute between them by way of amicable settlement, therefore the Deponent have required to file the present affidavit in reply to quash and set aside the impugned FIRs registered at Kasoda Police Station, Kasoda.

07. I say and submit that, under these peculiar fact and circumstances, the dispute between present Applicants and Deponent/ Complainant has settled amicably out of the Court and therefore this deponent/complainant have no objection to allow the present Application and to quash and set aside the impugned FIR bearing 46/2014 dated 21/07/2014 registered at Kasoda Police Station, Kasoda, Tal. Erandol, District - Jalgaon for offences punishable under section 498-A, 323, 504, 506, r/w 34 of the Indian Penal Code. Therefore present deponent/complainant filed this affidavit and reply so to allow the present Criminal Application and further to request this Hon'ble High Court

to quash and set aside the impugned FIR."

4. Complainant is present before the Court. On interacting with the complainant, she stated that settlement is arrived without any coercion and said settlement is result of an agreement between Applicant No.1 and complainant to stay together in future life. It is further stated that she has verified the terms of the affidavit-in-reply without any coercion or pressure. After resuming cohabitation, the couple is residing peacefully. Out of the wedlock there is one child.

5. On interaction with Applicant No.1 - husband, he stated that henceforth he will ensure that no any untoward incident or any mental agony would be caused to Respondent No.2 - wife.

6. In that view of the matter and considering the fact that even after settlement, for couple of months the Applicant No.1 and

Respondent No.2 are residing together, we are inclined to accept the joint prayer for quashing F.I.R. Crime No.46/2014 dated 21st September 2014 registered with Kasoda Police Station, Tq-Erandol, Dist-Jalgaon for offence punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code.

7. Since the Respondent No.2 i.e. original complainant do not wish to proceed with further proceedings arising out of F.I.R. Crime No.46/2014 dated 21st September 2014 registered with Kasoda Police Station, Tq-Erandol, Dist-Jalgaon for offence punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code, no fruitful purpose will be served by keeping the investigation/proceedings pending. Therefore, in order to secure ends of justice and to avoid abuse of process of the Court, the Application is allowed in terms of prayer clause (C) of the Application.

8. Rule made absolute on the terms indicated above. Criminal Application stands disposed of, accordingly.

[A.I.S.CHEEMA, J.]

asb/JUN15

[S.S.SHINDE, J.]