

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.5033 OF 2015

Hemant Raghunath Mali,
age: 36 years, Occ: Business,
R/o Subhash Nagar, June Dhule,
Tal. & Dist. Dhule.

Applicant

Versus

1 The State of Maharashtra

2 Sandhya Gokul Nimkharde,
age: 31 years, Occ: Business,
R/o Jai Hanuman Nagar,
Jalgaon.

Respondents

Mr.S.S.Patil, advocate for the applicant.
Mr.S.P.Deshmukh, APP for Respondent No.1.
Mr.Sushant V. Dixit, advocate for Respondent No.2.

**CORAM : R.M.BORDE &
K.L.WADANE, JJ.
DATE : 21st April, 2016**

ORAL JUDGMENT (Per R.M.Borde, J.):

1 Heard. Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for respective parties.

2 This is an application by the accused involved in commission of crime punishable under Sections 354(A), (2), (4), 506 and 509 of the Indian Penal Code in pursuant to registration of First Information, being Crime No.55/2015, registered at Zilla Peth Police Station, Jalgaon.

3 After presentation of the instant petition, notices were directed to be issued to the Respondents. The aggrieved person i.e. Respondent No.2/ original complainant has presented an affidavit stating

therein that since she is getting married and intending to begin a new life, she does not intend to prosecute the crime registered against the applicant. Original Complainant - Respondent No.2 herein has a just desire to put an end to the dispute between the parties. The affidavit has been duly sworn by Respondent No.2 - original complainant and is also signed by the learned advocate appearing for her. Same is taken on record and marked "X" for identification.

4 In view of the judgment delivered by the Supreme Court in the matter of **Gian Singh Vs. State of Punjab & another**, reported in 2012 (10) SCC 303; since the parties have decided to settle the dispute amongst themselves and that the prosecution is not likely to succeed even if the case is put up for trial and that the allegations levelled against the applicant do not come within the exceptions specified in the aforesaid judgment, it is desirable to quash the criminal proceedings initiated against the applicant in pursuance to Crime No.55/2015.

5 In the result, Criminal Application is allowed. Criminal Proceedings initiated against the applicant in pursuance to lodging of CR. No.55/2015, registered at Zilla Peth Police Station, Jalgaon, for offences punishable under Sections 354(A), (2), (4), 506 and 509 of the Indian Penal Code, stands quashed.

6 Rule is accordingly made absolute.

K.L.WADANE
JUDGE

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R.M.BORDE
JUDGE