

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

CRIMINAL APPLICATION NO. 1393 OF 2017

Shobha Prakash Mhaske & Ors.

Applicants...

Versus

The State of Maharashtra & Anr.

Respondents...

.....
Mr P. V. Suryawanshi, Advocate for the applicants
Mr K. S. Patil, APP for respondent/State
.....

**CORAM : R. M. BORDE &
A. M. DHAVAL, JJ.
DATE : 6TH JUNE, 2017.**

PER COURT:-

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the learned counsel & learned APP for the respective parties.
2. This application is filed for quashing of the criminal proceedings initiated against the applicants pursuant to lodging of FIR, which has been registered as Crime No. I-196/2013 at instance of complainant-respondent No. 2, on 17.05.2013, alleging commission of offences u/s 498A, 323, 504 and 506 of the Indian Penal Code.

3. It is pointed out by the applicants that the respondent No. 2 has been granted divorce by mutual consent by the Family Court on 07.03.2014 and the marriage between the husband and wife has been dissolved. It is also contended that, the first informant has, after securing divorce, remarried and is presently residing with her second husband. The FIR has been lodged by respondent No. 2, prior to presentation of proceedings u/s 13B of the Hindu Marriage Act, 1955 in the Family Court. It is further informed that, in view of the settlement arrived at between the parties in the proceedings u/s 13B of the Hindu Marriage Act, the wife has settled all the pending disputes with the husband and has also agreed to withdraw the application tendered claiming maintenance against the husband. The informant has also agreed to accord her consent for quashing of the criminal proceedings u/s 498A initiated by her against her husband.

3. In the instant matter, in spite of issuance of notice, the respondent No. 2 has not caused appearance. The proceedings against the husband have been dropped in view of the settlement reached between the parties before the Family Court on 07.03.2014. The applicants are relations of the husband, who have approached this Court for quashment of the criminal proceedings initiated against them. The allegations against the applicants recorded in the FIR are

quite vague. Apart from this, if the allegations made against the husband, who is stated to be the prime accused, are withdrawn by respondent No. 2-informant in view of the settlement arrived at between the husband and wife before the Family Court on 07.03.2014, there is no reason as to why the criminal proceedings against the applicants shall continue. In view of the settlement between the husband and wife i.e. Ratan Mhaske & respondent No.2, the criminal proceedings initiated against the petitioner also deserves to be quashed. For the reasons recorded above, the criminal application is allowed. The criminal proceedings initiated against the applicants in pursuance to lodging of FIR No. I-196/2013 on 17.05.2013 by respondent No. 2 registered at Police Station Mukundwadi, Tq. Aurangabad, shall stand quashed.

4. Rule is accordingly made absolute.

[A. M. DHAVALE]
JUDGE

[R. M. BORDE]
JUDGE

sgp