

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

CRIMINAL APPLICATION NO. 2328 OF 2017

1. Surekha w/o Vinod Wagh @
Surekha Sambhaji Bansode,
Age: 31 years, Occ: Service,
R/o. Flat No.2, B-Wing,
Siddhi Square Apartment,
Pisadevi road, Aurangabad.
2. Suresh s/o Uttamrao Shinde,
Age: 44 years, Occ: Service,
R/o. N-9, L-28/4, Shivaji Nagar,
Cidco, Aurangabad.

.. **Applicants**

Versus

1. The State of Maharashtra
2. Superintendent of Police,
Aurangabad.

.. **Respondents**

Mr. J.K. Bansod h/f. Manorkar Deepak S., Advocate for Applicants.
Mrs. P.V. Diggikar, APP for Respondent/State.

**CORAM : S.S. SHINDE &
MANGESH S. PATIL, JJ.
DATE : 20.11.2017**

ORAL JUDGMENT :- (Per S.S. Shinde, J.)

. Rule. Rule made returnable forthwith and heard finally with
the consent of the learned counsel appearing for the parties.

2. Learned counsel appearing for the applicants has tendered across the bar affidavit of Vinod Fakira Wagh, the same is taken on record. Learned counsel appearing for the applicants submits that on the basis of averments in the application and also the affidavit of the husband of applicant no.1, this Court may allow the application and quash the F.I.R. bearing crime no. I-123/2017 registered with Police Station Chikalthana, Aurangabad for the offence punishable u/s. 354(5), 354 (A), 354, 341, 452, 504, 506.

3. The applicant no.1 is present in the Court, on a specific query she stated that the averments and statements made in the application is without any coercion and it is her voluntary act.

4. In the application, it is stated that the F.I.R. was lodged out of misunderstanding and the applicant no.1 has no objection to quash the F.I.R. Since, the applicant no.1 has no objection to quash the F.I.R. and it is her voluntary act and consent for quashing such F.I.R., keeping in view the exposition of the law laid down by the Supreme Court in the case of **Gian Singh V/s. State of Punjab** reported in **2012 (10) SCC 303**, so as to prevent the further abuse of process of law / court, we are inclined to allow this application. Accordingly, the application is allowed

(3)

43 cri appln 2328.17

in terms of prayer clause 'B'. Rule made absolute on above terms. The application stands disposed of accordingly.

[MANGESH S. PATIL, J.]

[S.S. SHINDE, J.]

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