

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

CRIMINAL WRIT PETITION NO.741 OF 2008

- 1) Ramesh s/o Ramji Rathod,
Age 46 years, Occ. Govt. Service,
as I.T.I. Instructor, R/o 20,
Vidnyan Nagar, Manewada,
Nagpur.
- 2) Bhikaribai Ramji Rathod,
Age 86 years, Occ. Housewife,
At Post : Arambhi, Tq. Digras,
District Yavatmal
- 3) Niraj Ramji Rathod,
Age 32 years, Occ. Govt. Servant,
R/o At Post P.H.C. Bhuyar,
Tq. Pawani, District Bhandara
- 4) Vasant Fulsing Chavan,
Age 45 years, Occ. Govt. Servant,
R/o Near St. Paul High School,
Khadkeshwar, Nagpur
- 5) Sau. Sunanda Vasant Chavan,
Age 34 years, Occ. Housewife,
R/o Near St. Paul High School,
Khadkeshwar, Nagpur
- 6) Ravish Ramji Rathod,
Age 36 years, Occ. Govt. Servant,
R/o Govt. Polytechnic Quarter,
Sakoli, District Bhandara
- 7) Sau. Asha Ravish Rathod,
Age 30 years, Occ. Govt. Service,
R/o as above. ... PETITIONERS

VERSUS

- 1) The State of Maharashtra
through Police Station,
Pimpalgaon Hareshwar,
Tq. Pachira, District Jalgaon
(Copy to be served through the
office of Public Prosecutor,
High Court of Bombay,
Bench at Aurangabad)
- 2) Ashwini Ramesh Rathod,
Age 26 years, Occ. Household,
R/o C/o Saidas Raghunath Wanjari,
Plot No.14/B, Muktainagar,
Tq. Muktainagar, District Jalgaon ... RESPONDENTS

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Shri B.S. Deshmukh, Advocate for petitioners
Shri P.G. Borade, A.P.P. for State
Shri K.A. Kale, Advocate for respondent No.2
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CORAM: T.V. NALAWADE AND
SUNIL K. KOTWAL, JJ.

DATED: 20th July, 2017.

ORAL JUDGMENT :

1. The present Criminal Writ Petition is filed for quashment of R.C.C. No.328/2008, presently pending in the Court of Judicial Magistrate, First Class, Pachora, District Jalgaon, which is filed for offence punishable under Sections 498-A, 420, 323, 504, 506 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Protection of Women from Domestic Violence Act.

2. The counsel for the petitioners and counsel for

respondent No.2 (original complainant) submitted that parties have amicably settled the dispute. The wife does not want to prosecute the matter. The counsel submitted that, as the matter arises out of matrimonial dispute, to give the chance to the parties to improve the relations, the matter needs to be quashed. Affidavit of the lady respondent No.2 Ashwini Ramesh Rathod, dated 25th January 2017 is filed on record. The respondent No.2 lady is identified by Advocate Mr. Kunal A Kale. Mr. Kale, Advocate is present before this Court. Learned A.G.P. is also present.

3. In view of the above circumstances, this Court holds that the proceeding is liable to be quashed. Criminal Writ Petition is allowed. The proceedings of R.C.C. No.328/2008, presently pending in the Court of Judicial Magistrate, First Class, Pachora, District Jalgaon, are quashed. Rule made absolute.

(SUNIL K. KOTWAL)
JUDGE

(T.V. NALAWADE)
JUDGE

fmp/