

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

Criminal Application No.320 of 2018

- 1) Harun Munaf Patel,
Age 24 years,
Occupation: Labour,
R/o Adarsh Nagar,
Opp. Mantri House,
Behind D Mart, Jalgaon,
Taluka and District Jalgaon.
- 2) Mehrunisa Munaf Patel,
Age 29 years,
Occupation : Nil,
R/o As above.
- 3) Jahangir Munaf Patel,
Age 19 years,
Occupation: Nil,
R/o As above.
- 4) Feroz Munaf Patel,
Age 30 years,
Occupation: Lawyer
R/o As above.
- 5) Salim Munaf Patel,
Age 52 years,
Occupation: Lawyer,
R/o As above.
- 6) Raju Munaf Patel,
Age 34 years,
Occupation: Labour,
R/o As above.
- 7) Aarif Munaf Patel,
Age 36 years,
Occupation: Labour
R/o As above.

- 8) Munaf Mehboob Patel,
Age 70 years,
Occupation: Nil,
R/o As above.
- 9) Anjuman Feroz Patel,
Age 26 years,
Occupation: Household,
R/o As above.
- 10) Rukayyabi Munaf Patel,
Age 31 years,
Occupation: Household,
R/o As above.
- 11) Farzana Bi Munaf Patel,
Age Major,
Occupation: Household,
R/o Bornar,
Taluka Dharangaon,
District Jalgaon.

.. Applicants.

Versus

- 1) State of Maharashtra.
- 2) Asman Harun Patel,
Age 24 years,
Occupation : Household,
R/o Supreme Colony,
Taluka & District Jalgaon.

.. Respondents.

Shri. Girish A. Nagori, Advocate, for applicants.

Shri. P.G. Borade, Additional Public Prosecutor, for
respondent No.1.

Shri. Kuldeep S. Patil, Advocate, appointed for respondent
No.2 as amicus curiae.

Shri. D.A. Madke, Advocate for respondent No.2.

**Coram: T.V. NALAWADE &
K.L. WADANE, JJ.**

Date: 26 JUNE 2018

JUDGMENT (Per T.V. Nalawade, J.) :

1) Rule. Rule made returnable forthwith. By consent heard both the sides for final disposal.

2) As the respondent No.2 was not turning up and as Advocate Shri. D.A. Madke who had filed appearance for respondent No.2 submitted at the eleventh hour that respondent No.2 was not in touch with him and as there is a record to show that respondent No.2 had settled the dispute with the applicants, this Court appointed another counsel through High Court Legal Services Sub Committee as amicus curiae and the matter was heard.

3) The crime is registered on the basis of report given by Smt. Asmabee, who is the wife of applicant No.1 Harun. Their marriage took place in the year 2014. Allegations are made against mother-in-law, 2 elder brothers-in-law, three younger brothers-in-law, father-in-law, wife of brother-in-law and sister-in-law that ill-treatment was given to her after 5 days of the marriage.

Allegations are made that right from beginning the accused were saying that they would give divorce to her if she did not conceive a child. Allegations are made against some accused that though they used to live separate, they were instigating the husband to give ill-treatment to her. She started living separate due to the ill-treatment from 20-4-2015 and the accused had asked her father to take her back. Crime was registered for offences punishable under sections 498-A, 323, 34 of Indian Penal Code on 28-4-2015. The record produced shows that charge was framed in RCC No.502/2015 by the learned Judicial Magistrate, First Class, Jalgaon in the case and even evidence of the first informant was recorded. Examination-in-chief was recorded and in the examination-in-chief she stuck to the contents of the F.I.R. and in the cross-examination also her evidence was not shattered. Deposition was recorded on 15-2-2016. Then pursis was filed by her on 12-6-2017 that she has settled the dispute with accused persons and she had no intention to prosecute the matter further. Some other witnesses were also examined but then the present proceeding came to be filed on 23-1-2018. In view of the aforesaid

circumstances and particularly settlement of the dispute, this Court granted interim relief of 28-2-2018 and so the case is not decided by the Judicial Magistrate.

4) In the present proceeding pursis is filed by the first informant to the effect that she has settled the dispute and she has prayed for quashing of the proceeding. In view of these circumstances, this Court holds that nothing can be achieved by allowing to continue the case. In the result, the application is allowed. Relief is granted in favour of the applicants in terms of prayer clause (a) and the proceeding itself is quashed and set aside. To the appointed counsel, amicus curiae amount of Rs.3000/- (rupees three thousand) is to be paid through the High Court Legal Services Sub Committee Aurangabad. The previous Advocate was not discharged from the present proceeding. Rule is made absolute in those terms.

Sd/-
(K.L. WADANE, J.)

Sd/-
(T.V. NALAWADE, J.)

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