

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

CRIMINAL APPLICATION NO. 1008 OF 2018

Hanumant s/o Sakharam Waghmode, **Applicant**
Age 30 years, Occu: Agril.
R/o Revki Post Devki, Tq.
Georai, Dist. Beed.

VERSUS

1. State of Maharashtra
Through Georai Police Station,
District Beed.
2. Manisha Hanumant Wghmode
Age 26 years, Occu: Household
R/o Revki, Post Devki,
Tq. Georai Dist. beed.

... Respondents

Mr. R.G. Hange and Mr. A. R. Hange, Advocate for the
Applicants
Mr. R. V. Dasalkar, APP for the Respondent State
Mr. K. D. Khade, Advocate for respondent No.2

**CORAM : T. V. NALAWADE AND
K. L. WADANE, JJ.**

DATE: : 21st June, 2018

JUDGMENT (Per K. L. Wadane, J.):

1. Rule. Rule made returnable forthwith. With the consent of the parties, the application is taken up for final hearing.

2. The application is filed under section 482 of the Code of Criminal Procedure for relief of quashing of Sessions Case No. 126 of 2016 pending before the

learned Additional Sessions Judge, Beed for the offence punishable under Section 498-A, 307 of the Indian Penal Code, arising out of Crime No.127/2015 registered with Georai Police station, District Beed.

3. Respondent No. 2/original complainant lodged complaint against the present applicant/husband alleging that on 07.06.2015 her husband administered poisonous medicine to her in pursuance to the demand of remaining amount of dowry. On the basis of the complaint the offence as referred above came to be registered against the applicant accused. After due investigation, charge-sheet is filed and the trial is going on.

4. Heard Mr. R. J. Hange, learned counsel for the applicants, Mr. R. V. Dhasalkar, APP for the respondent State and Mr. K. D. Khade, learned counsel for respondent No.2/complainant.

5. Respondent No.2 i.e. original complainant has filed an affidavit on 6th June, 2018 stating that with the intervention of relatives she started cohabiting with the applicant after six months of the incident and thereafter on 10.08.2016 she delivered a female child. She is residing with the applicant at Revki

since prior to the recording of evidence in Sessions Case No. 126/2016 and now she is again pregnant. It is contended that since she is living happily with the applicant she do not want to proceed with the Sessions Case against the applicant. Paragraph 6 and 7 of the affidavit reads thus:

" 6. I say that, if Sessions Case No.126/2016 would continued then thee will be problem of her cohabitation and her matrimonial life, so I did not want to proceed with the matter to save matrimonial life of applicant and me. It is necessary to quash the proceeding of Sessions case No. 126/2016.

7. I say and submit that considering the matrimonial life of me and applicant and our children ti is necessary to quash the proceedings of Sessions Case No. 126/2016 by allowign the Criminal Application No. 1008/2018."

6. In view of the above, it appears that the parties have settled the dispute amicably with the intervention of relatives. The complainant does not want to proceed further with the criminal case against the applicant. In that view of the matter, in view of settled law, in order to secure the ends of justice

and to prevent an abuse of process of Court, we are inclined to grant the application. Hence following order:

O R D E R

- (1) Criminal application is allowed.
- (2) The proceedings of Sessions Case No. 126/2016 pending before the learned Additional Sessions Judge, Beed for the Offence Ppunishable under sections 498-A and 307 of the Indian Penal Code is quashed and set aside.
- (3) Rule is made absolute in the above terms.

(K. L. WADANE, J.)

(T. V. NALAWADE, J.)

JPC