

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2287 OF 2015

1. Bhagvat @ Bhagwant s/o. Madhav
Chaudhari, Age 56 years, Occu. Service,
R/o. Waghoda (Bu.), Tal. Raver,
Dist. Jalgaon.
2. Sau. Latabai w/o. Bhagvat @ Bhagwant
Chaudhari, Age 52 years, Occu. Household,
R/o. As above.**Applicants.**

Versus

1. The State of Maharashtra
Through the Police Station Officer,
Savda Police Station, Savda,
Dist. Jalgaon.
2. Smt. Swati w/o. Amol Chaudhari,
Age 26 years, Occu. Household,
R/o. Ahirwadi, Tal. Raver,
Dist. Jalgaon.**Respondents.**

Mr. S.D. Tawshikar, Advocate for applicants.

Mr. R.V. Dasalkar, APP for respondent No. 1/State.

Mr. S.S. Bora, Advocate for respondent No. 2 (appointed).

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

DATED : 07/08/2018.

JUDGMENT : [PER T.V. NALAWADE, J.]

1) The proceeding is filed for relief of quashing of F.I.R. No. 14/2015 registered with Savda Police Station, Savda, District Jalgaon for the offences punishable under sections 354, 420, 406 r/w. 34 of Indian Penal Code. Both the sides are heard.

2) This Court has carefully gone through the F.I.R. The F.I.R. was given on 22.2.2015. The marriage had taken place on 24.4.2013. Allegations are made that the husband left for South Africa on 28.4.2013 without informing anything to respondent, first informant. She lived in the house of parents of husband, present applicants for few days. But she was not allowed to contact with husband.

3) Copy of settlement called as consent document written on general stamp is produced on the record and it shows that applicant Bhagwat had given in writing to father of respondent, first informant that there was no possibility of settlement as there was some dispute between the husband and the wife and the husband was to give cash of Rs. nine lakh and the ornaments worth Rs.40,000/- to the wife for settlement. It was submitted that the wife married second time. The applicants have produced on record copy of birth certificate of issue born to the first informant on 29.4.2017.

4) In view of the aforesaid circumstances, this Court holds that it is not advisable to ask the applicants to face the trial of the case for aforesaid offences. The trial of the case will disturb the

things which have settled. This Court holds that relief needs to be granted. In the result, the application is allowed. Relief is granted to the applicants in terms of prayer clause 'B'. The fees of the counsel appointed for respondent no. 2 is quantified as Rs.3000/- (Rupees three thousand), to be paid to him through the High Court Legal Service Authority. Rule is made absolute in those terms.

[K.L. WADANE, J.]

[T.V. NALAWADE, J.]

ssc/