

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

CRIMINAL APPLICATION NO. 2147 OF 2010

Sameer Subhash Sonwane,
Age: 31 Years, Occupation: Advocate,
R/o: Plot No.18, "Rajpita", Anandnagar,
Nakane Road, Deopur, Dhule,
Tq & Dist: Dhule.

... **APPLICANT**
(Orig. Accused No.6)

VERSUS

1. The State of Maharashtra.
2. Salonibai @ Pratibha Tirthanand Patil,
Age: 24 Years, Occupation: Household,
R/o. Borvahir, Tq & Dist: Dhule,
At present R/o. C/o Shri. Gulab Pandit Patil,
R/o: Khachane, Tq. Chopda,
District: Jalgaon.

... **RESPONDENTS**
(Res No.2 Orig. First Informant)

...

Mr. Joydeep Chatterji, Advocate for Applicant.
Mrs. D. S. Jape, APP for Respondent No.1.
Mr. R. D. Thorat, Advocate for Respondent No.2 (Appointed).

...

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

DATE : 18th July, 2018.

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

. The proceeding is filed under Section 482 of the Code of

Criminal Procedure for relief of quashing of FIR No.30 of 2010 registered with Chopda Rural Police Station, District Jalgaon, for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code.

2 FIR was given by Respondent No.2, wife of cousin of present Applicant.

3 The submissions made show that this Court had granted stay to the extent of present Applicant and the remaining matter against the husband and other relatives was tried. Copy of the judgment is produced of R.C.C. No.99 of 2010. It shows that the wife gave in writing that she has no intention to give evidence against the Accused and no evidence was given by the wife and other witnesses against the husband and relatives. Those Accused came to be acquitted by the decision dated 9th June, 2015.

4 The submissions made and record show that the present Applicant had acted as counsel for the husband and he had sent notice to the wife. In view of these circumstances, this Court holds that nothing can be achieved by allowing the prosecution to go with

the case against the present Applicant. In the result, the following order is passed:

ORDER

- I. The application is allowed.
- II. Relief is granted in terms of prayer clause (B).
- III. Rule made absolute in those terms.
- IV. The fees of the appointed counsel is quantified as Rs.3,000/-.

[K. L. WADANE, J.]

[T. V. NALAWADE, J.]

ndm