

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

CRIMINAL APPLICATION NO. 3602 OF 2014

1. Rupesh S/o Bhaskar Mahajan,
Age 37 years, Occ. Business,
2. Rajesh S/o Bhaskar Mahajan,
Age 34 years, Occ. Business,
3. Mahesh S/o Bhaskar Mahajan,
Age 27 years, Occ. Service,
4. Dinesh S/o Bhaskar Mahajan,
Age 25 years, Occ. Education,
5. Bhagirathibai Bhaskar Mahajan,
Age 62 years, Occ. Household,
6. Suvarna Rupesh Mahajan,
Age 32 years, Occ. Household,
7. Manjula W/o Rajesh Mahajan,
Age 30 years, Occ. Household,

All R/o village Vivre Khurd,
Tal. Raver, Dist. Jalgaon.
8. Sakhubai Gangaram Mahajan,
Age 56 years, Occ. Household,
R/o village Kitgaon, Dist. Barhanpur,
(State of Madhya Pradesh).
9. Vishnu Rambhau Mahajan,
Age 56 years, Occ. Agri.,
R/o Vivre Khurd, Tal. Raver,
District Jalgaon.

... **APPLICANTS**
(Orig. Accused)

VERSUS

1. The State of Maharashtra,
Through Incharge Police Station Officer,
Police Station, Nimbhora,
Tal. Raver, District Jalgaon.
2. Sau. Archana W/o Yogesh Mahajan,
Age 26 years, Occ. Tailoring Work,
R/o Sahebrao Deoram Jiremali,
R/o Vivre Khurd, Tal. Raver,
District Jalgaon.

... **RESPONDENTS**

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Miss A. S. Jadhav, h/f Mr. P. R. Katneshwarkar, Advocate for Applicants.
Mrs. V. S. Choudhari, APP for Respondent N.1 / State.
Mr. P. V. Balkhande, Advocate for Respondent No.2.

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CORAM : **T. V. NALAWADE &
SMT. VIBHA KANKANWADI, JJ.**

DATE : 12th September, 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 Criminal Case No.175 of 2012, pending in the Court of learned Judicial Magistrate First Class, Raver, which is filed in Crime No.41 of 2012, registered with Nimbhora Police Station, District Jalgaon, for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian

Penal Code and Section 4 of the Dowry Prohibition Act.

2 The learned counsel for Applicants submitted that the parties have settled the dispute and in HMP No.104 of 2017, which was pending in the Court of learned Civil Judge Senior Division, Bhusawal, District Jalgaon, divorce by mutual consent is given. Copy of the said decision dated 26th October, 2017, is produced on record. Copy of document showing terms of compromise is also produced on record and it shows that the wife, Respondent agreed to withdraw the proceeding filed by her against the husband and his relatives. There is mention of Case No.175 of 2012. The learned counsel for Applicants submitted that after dissolution of marriage, Respondent No.2 is not in touch and so the Applicants are not in position to bring Respondent No.2 in the Court. In view of the statement made by the learned counsel for Applicants and copies of aforesaid record, this Court holds that relief needs to be granted to the Applicants. In the result, the following order is passed:

ORDER

- I. The application is allowed.

II. Relief is granted in terms of prayer clause (A).

III. Rule made absolute in those terms.

[SMT. VIBHA KANKANWADI, J.]

[T. V. NALAWADE, J.]

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