

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 799 OF 2014

- 1] Govind Raosaheb Wagh
Age : 32 years, Occu. Agri,
R/o Sharde Nagar, Nanded.
 - 2] Raosaheb Apparao Wagh,
Age : 66 years, Occu. Agri,
 - 3] Renukabei Raosaheb Wagh,
Age : 60 years, Occu. Household,
 - 4] Balaji Raosaheb Wagh,
Age : 28 years, Occu. Service,
 - 5] Janvi Bhagat Wagh,
Age : 26 years, Occu. Agri.
Petitioner No. 2 to 5 R/o Naleshwar,
Tq. & Dist. Nanded.
 - 6] Shilpa Vijayanand Kale,
Age : 34 years, Occu. Household,
 - 7] Vijayanand Deorao Kale,
Age : 40 years, Occu. Service,
Petitioner No. 6 to 7 R/o Nanded.
 - 8] Datta Vithoba Pawar,
Age : 80 years, Occu. Agri.,
R/o Chitli, Tq. Loha,
Dist. Nanded.
- ...Petitioners

Versus

- 1] The State of Maharashtra
Through Police Inspector
Police Station,
Limbgaon Police Station,
Dist. Nanded.
- 2] Surekha @ Namrata Govind Wagh,
Age : 26 years,

Occu. Service/Household,
R/o Vaibhav Nagar,
Malegaon Road, Nanded.

...Respondents

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Mr. V. S. Kadam, Advocate for Petitioners.
Ms. D. S. Jape, A. P. P. for Respondent No. 1-State.
Mr. A. D. Hande, Advocate for Respondent No. 2.

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**CORAM : T. V. NALAWADE &
SMT. VIBHA KANKANWADI, JJ.**
DATE : 01-11-2018.

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

01. Later on the learned Counsel for the petitioner mentioned the matter. The previous order is re-called. Matter is restored.

02. The proceeding is filed for relief of quashing of F. I. R. bearing C. R. No. 30 of 2014 registered with Limbgaon Police Station, Nanded under Section 498A, 323, 504, 506 and Section 34 of I. P. C. During arguments the learned Counsels for the applicant and the first informant submitted that parties have settled their dispute. They have obtained divorce by mutual consent. Copy of decree given in H. M. P. No. F-46 of 2017 passed by Civil Judge, Senior Division At Nanded is produced on record.

03. The copy shows that the wife had agreed that the proceedings are stayed till the decree of divorce was given. The learned Counsel for wife is present in the

Court hall and he submits that he has instructions from the first informant to settle the matter and wife has no objection to give relief claimed in the present proceedings. Submission was also made by the Counsels that though is past the name of the husband was deleted from the proceeding, in view of the settlement and aforesaid circumstance, the entire F. I. R. needs to be quashed and set aside. This Court holds that the relief needs to be granted.

04. In the result, following order;

ORDER

(i)Petition is allowed.

(ii)The relief is granted in terms of prayer clause "B".

(iii)Entire F. I. R. is quashed and set aside.

(iv)Rule made absolute in those terms.

[SMT. VIBHA KANKANWADI]
JUDGE

[T. V. NALAWADE]
JUDGE

Dahibhate/-