IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3446 OF 2015

1] Shivprasad Sharad Boraste,
Age : 25 years, Occ: Service,
2] Sharad Madhavrao Boraste,
Age : 55 years, Occ: Agri.,
3] Sou. Chhaya Sharad Boraste,
Age : 45 years, Occ : Household,
4] Mangesh Sharad Boraste,
Age : 20 years, Occ : Education,
All R/o Sakore Mig, Tq. Niphad,
Dist. Nasik.
5] Sou. Smita Kiran Shinde,
Age : 24 years, Occ : Household,
6] Kiran Balkrishna Shinde,
Age : 30 years, Occ : Service,
Both R/o Sayyed Pimpri Road, Adgaon,
Tq. & Dist. Nasik.
7] Sou. Gayatri Jayram Kotme,
Age : 40 years, Occ : Household,
R/o Sharada Saraswati Society,
Merdham, Tq. & Dist. Nasik. ...Applicants

Versus

1] The State of Maharashtra,
Through P. I. Police Station,
Kopargaon,
2] Sow. Mukta Shivprasad Boraste,
Age : 23 years, Occ : Housewife,
R/o At present
C/o Karbhari Balkrishna Jadhav,

Khadaki, Tal. Kopargaon,
Dist. Ahmednagar. ...Respondents

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Mr. S. B. Kadu, Advocate for Applicants.
Ms. D. S. Jape, A. P. P. for Respondent No. 1-State.
Mr. A. V. Hon, Advocate for Respondent No. 2.

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

DATE : 24-10-2018.

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

01. Rule. Rule made returnable forthwith by consent heard both the sides for final disposal.

02. The proceeding is filed under Section 482 of Cr. P. C. for quashing of F. I. R. bearing C. R. No. 54 of 2015 registered with Kopargaon Police Station and also quashing of R. T. C. No. 85 of 2015 before J. M. F. C., Kopargaon and which is filed for offences punishable under Section 498A, 323, 504, 506 read with Section 34 of Indian Penal Code. During arguments learned Counsel for the applicant and learned Counsel for the wife submitted that parties have settled their dispute and they have obtained divorce by virtue of mutual consent. Copy of petition award, compromise document and compromise decree are produced on record. The settlement shows that the wife

has agreed to withdraw all the proceedings filed against husband including the proceedings filed under Section 293 of I. P. C. Wife has no intention to give evidence against the applicants. In view of these circumstances, this Court holds that the relief is to be granted.

03. In the result, following order;

ORDER

(i)Application is allowed.

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

(iii)Rule made absolute in those terms.

[SMT. VIBHA KANKANWADI] **[T. V. NALAWADE]**

JUDGE **JUDGE**

Dahibhate/-