

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

CRIMINAL WRIT PETITION NO. 883 OF 2018

1. Amit s/o. Motilal Kotariaya (Jain),
Age 37 years, Occu. Business,
R/o. Opp. Peoples Bank, Dondaicha
Road, Shahada, Dist. Nandurbar.
2. Girish s/o. Motilal Kotariya (Jain),
Age 34 years, Occu. Business,
R/o. Opp. Peoples Bank, Dondaicha
Road, Shahada, Dist. Nandurbar.
3. Pradip s/o. Ghisalal Kotariya (Jain)
Corrected name as per F.I.R.
Pradip s/o. Motilal Kotariya,
Age 40 years, Occu. Business,
R/o. Main Road, Shahada,
Dist. Nandurbar.

....Petitioners.

Versus

1. The State of Maharashtra
Through Police Inspector,
Shahada Police Station,
Shahada, Dist. Nandurbar.
2. Savita w/o. Anil Jain (Sancheti),
Age 36 years, Occu. Housewife,
Presently R/o. C/o. Pankaj Lalwani,
Gandhi Chowk, Ashta,
Tal. Ashta, Dist. Sihore (M.P.)

....Respondents.

Mr. P.N. Jain, Advocate for petitioners.

Mrs. P.V. Diggikar, APP for respondent/State.

Mr. A.T. Kanawade, Advocate for respondent No. 2.

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

DATED : 07/08/2018.

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

- 1) Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.
- 2) The proceeding is filed under section 482 of Criminal Procedure Code and also under Articles 226 and 227 of Constitution of India for relief of quashing of F.I.R. No. 49/2018 registered with Shahada Police Station for offences punishable under sections 376, 506, 34 of Indian Penal Code.
- 3) During arguments, the learned counsel for applicants and respondent no. 2, first informant submitted that there was some misunderstanding and due to that report is given. It was submitted that the parties have settled the dispute and the prosecutrix has no interest to give evidence against the applicants. Affidavit to that effect is filed in this Court which is sworn in before the Officer of this Court. One more document is produced to show that when the applicant had approached the Sessions Court for relief of anticipatory bail, the prosecutrix had given consent to that application also.
- 4) The learned APP submitted that there are serious allegations and even the allegations of blackmailing were made.

5) In view of nature of allegations made in the F.I.R. and aforesaid circumstances, this Court holds that it will be futile exercise if the applicants are directed to face the trial for aforesaid offences. Nothing can be achieved by that. In the result, the application is allowed. Relief is granted to the applicants in terms of prayer clause 'B'. Rule is made absolute in those terms.

[K.L. WADANE, J.]

[T.V. NALAWADE, J.]

ssc/