

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

CRIMINAL APPLICATION NO. 3576 OF 2016

Ravindra s/o. Naval Mahajan,
Age 31 years, Occu. Medical Practitioner,
R/o. Amleshwar Nagr., Tq. Amalner,
District : Jalgaon.

....Applicant.

Versus

1. The State of Maharashtra
Through (District Superintendent of
Police, Jalgaon).
2. Police Inspector,
Bazar Peth Police Station,
Bhusawal, Dist. Jalgaon.
3. Manish w/o. Ravindra Mahajan,
Age 25 years, Occu. Medical Practitioner,
R/o. Maliwada Amleshwar Nagar,
Amalner At present residing at
Tukaram Nagar, Hehind Ganesh Boering
National Highway No. 6, Bhusawal,
Dist. Jalgaon.

....Respondents.

Mr. P.B. Jadhav, Advocate for applicant.

Mrs. V.S. Choudhary, APP for respondent Nos. 1 and 2.

Mr. Babasaheb S. Bhale, Advocate for respondent No. 3 (appointed).

**CORAM :T.V. NALAWADE AND
SMT. VIBHA KANKANWADI, JJ.
DATED : 10/10/2018.**

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

- 1) Rule. Rule made returnable forthwith. By consent, heard
both the sides for final disposal.

2) Present proceeding is filed under section 482 of Criminal Procedure Code for relief of quashing of F.I.R. No. 120/2013 registered with Bazarpeth Police Station, Bhusawal, District Jalgaon for offences punishable under sections 498-A, 467, 468, 471, 324, 34 etc. of Indian Penal Code. During arguments, the learned counsel for applicant, husband drew the attention of this Court to copy of order made by this Court in Criminal Application No. 4997/2013. The order dated 22.4.2014 shows that in that matter the F.I.R. filed as against the relatives of husband was quashed and set aside. But the relief was refused to the present applicant, husband as the proceeding for mutual divorce was pending. Now attention of this Court was drawn to the decision given by the District Court in proceeding bearing Spl. Marriage Petition No. 15/2014 and it shows that under Hindu Marriage Act, the marriage is dissolved. The said decision was given on 24.6.2014. There is other record showing that parties decided to withdraw the allegations made against each other and the wife had agreed to withdraw the case filed under section 498-A etc. of IPC. Thus, the wife has no intention to give evidence as against the present applicant, husband. Chargesheet is now filed and the case number is given as RCC No. 358/2013 pending in the Court of J.M.F.C., Bhusawal. In view of these circumstances, the application is allowed. Relief is granted in terms of prayer clause 'C' and 'D'. The fees of appointed counsel is quantified as Rs.3,000/-

(Rupees three thousand). It is to be paid through High Court Legal Authority Services. Rule is made absolute in those terms.

[SMT. VIBHA KANKANWADI, J.]

[T.V. NALAWADE, J.]

ssc/