

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**982 CRIMINAL APPLICATION NO. 3000 OF 2016
WITH
APPLN/4644/2016 IN APPLN/3000/2016**

RAHUL S/O KESHVRAO JOSHI AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND ANR

...

Advocate for Applicants : J. P. Legal Associates

APP for Respondents: Ms. V. S. Choudhary.

Advocate for Respondent No.2 : Mr. Mukhedkar Amit A.

...

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

DATE : 26-10-2018.

ORAL JUDGMENT : (Per COURT)

1. At the outset vide Application No. 4644 of 2016, the learned counsel for the applicants seeks permission to add the relief of quashing of the case itself in connection with First Information Report No. 28 of 2016

2. Application No. 4644 of 2016 is hereby allowed. Permission is granted to amend the proceeding bearing Application No. 3000 of 2016. Amendment is to be carried immediately. Application No. 4644 of 2016 is disposed of accordingly.

3. Rule. Rule made returnable forthwith. By consent, heard both

the sides for final disposal.

4. Proceeding bearing Application No. 3000 of 2016 is filed under Section 482 of Code of Criminal Procedure for relief of quashing of the First Information Report No. 28 of 2016, registered with Vazirabad Police Station Dist. Nanded, for the offences punishable under Section 498-A, 504 read with 34 of the Indian Penal Code, and also the case bearing Regular Criminal Case No. 389 of 2016, pending in the Court of Judicial Magistrate First Class, Nanded.

5. During arguments learned counsel for the applicants and the first informant submitted that, parties have settled the dispute. They have produced on record certified copy of divorce decree given in Application No.18 of 2017 which was pending before Family Court, Nanded. Copy of application/ petition is also showing that they have decided to withdraw the other cases including criminal case. The learned counsel for the wife produced separate letter and submitted that the first informant has given written instruction to him to give no objection in the present proceeding to grant the relief. That letter is also taken on record.

6. In view of submissions made and aforesaid circumstances and the nature of dispute this Court holds that, relief needs to be granted. In the result application is allowed. Relief of quashing of FIR bearing No. 28 of 2016 registered with Vazirabad Police Station

Dist. Nanded, and the Regular Criminal Case No. 389 of 2016, pending in the Court of Judicial Magistrate First Class, Nanded are hereby quashed and set aside.

7. Rule made absolute in those terms.

(SMT. VIBHA KANKANWADI)
JUDGE

(T. V. NALAWADE)
JUDGE

vjg/-.