

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

Criminal Application No. 4817 of 2013

- 1) Atul Manik Gahile,
Age 29 years,
Occupation : Service
R/o Block No.45, Renavikar Colony,
Gadekar Chowk, Ahmednagar,
District Ahmednagar.
- 2) Manik Maruti Gahile
(since deceased)
- 3) Suman Manik Gahile,
Age 56 years,
Occupation : Household
R/o Block No.45, Renavikar Colony,
Gadekar Chowk, Ahmednagar,
District Ahmednagar. **.. Applicants.**

Versus

- 1) The State of Maharashtra,
Through Investigating Officer
Tofkhana Police Station,
Ahmednagar, Dist Ahmednagar.
- 2) Pallavi w/o Atul Gahile,
Age 28 years, Occu: Advocate,
R/o House no.74, Wagh Galli,
Nalegaon, Ahmednagar,
Taluka & Dist. Ahmednagar. **.. Respondents.**

Shri. Ravindra V. Gore, Advocate, for applicant No.3.

Shri. S.J. Salgare, Additional Public Prosecutor, for
respondent No.1.

Shri. Pratap Vikhe-Patil, Advocate, holding for Shri. R.R.
Karpe, Advocate, for respondent No.2.

**Coram: T.V. NALAWADE &
K.L. WADANE, JJ.**

Date: 1 AUGUST 2018

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

1) The proceeding is filed under section 482 of the Code of Criminal Procedure for the relief of quashing of proceeding of R.T.C. No.644/2013 which is filed for offences punishable under sections 498A, 323, 506 etc. of Indian Penal Code. Both the sides are heard.

2) During arguments it was submitted that the husband and wife have settled the dispute and they got divorce by mutual consent. Copy of the said decree is produced on record showing that divorce was given on 2-5-2016. Present proceeding was filed in the year 2013. There is also another document like terms of settlement showing that wife has agreed to withdraw all the matters filed by her including the case which is filed for offence punishable under section 498-A IPC. Though it is a police case and there are aforesaid circumstances and as learned counsel representing the wife in this Court, on

instructions, has made submission that the wife has no objection to grant relief, this Court is deciding the matter. There is one more circumstance like the proceeding filed by the husband, applicant No.1 was withdrawn in the year 2014. However, the relief is claimed for quashing of the entire proceeding. In view of the aforesaid circumstances this Court holds that nothing can be achieved by keeping the proceeding pending and directing even the husband to face the trial for the aforesaid offences. In the result, the application is allowed. Relief is granted in terms of prayer clause (B). Rule is made absolute in those terms.

Sd/-
(K.L. WADANE, J.)

Sd/-
(T.V. NALAWADE, J.)

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