

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

CRIMINAL APPLICATION NO. 6868 OF 2015

1. Subhash S/o Gangadhar Gil,
Age: 46 years, Occ: Labour,
2. Rupabai w/o Subhash Gil,
Age: 40 years, occu: Household,

Both R/o: Talwada,
Tq. Georai, District Beed
At present R/o : Pachod,
Tq. Paithan, Dist. Aurangabad.

...APPLICANTS

VERSUS

1. The State of Maharashtra
Through its Investigation Officer,
Police Station, Talwada,
Tq. Georai, District Beed.
2. Vijubai w/o Nivrati Sonwane,
Age : 41 years, Occu: Labour,
R/o: Shambhunagar,
Near Asha Apartment Aurangabad,
Tq. & District Aurangabad.

...RESPONDENTS

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Mr. Yogesh K. Bobade, Advocate for Applicants
Mr. M.M. Nerlikar, APP for Respondent No. 1
Miss Sneha A Jagtap Advocate for Respondent No. 2

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

DATED : 15th OCTOBER, 2018.

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

1. Rule. Rule made returnable forthwith. Heard finally with consent of the learned counsel for the parties.

2. The present proceeding is filed under section 482 of the Code of Criminal Procedure for relief of quashing proceedings of Regular Criminal Case No. 54 of 2014 pending in the Court of Judicial Magistrate, First Class, Georai pursuant to crime bearing No. 155 of 2013 registered at Talwada Police Station, Tq. Georai, District Beed, for the offences punishable under sections 498-A, 494, 323 and 504 read with section 34 of the Indian Penal Code.

3. This Court has gone through the allegations made by respondent No. 2 - first informant. The first informant was already married with one Mr. Nivrati Maruti Sonwane. After that, she came in contact with applicant No. 1. It is the contention that she deserted her husband and she is cohabiting with applicant No. 1 as his wife. It is allegation that applicant No. 1 has performed married with applicant No. 2 without taking her consent and harassment was given to her.

4. In view of aforesaid nature of allegations, in the proceeding of criminal application bearing No. 6424 of 2013 a relief of quashing FIR bearing No. 115 of 2013 registered at Talwada Police Station, Tq. Georai, District Beed, is granted, which was registered on the basis of report given by first informant. It appears that when relief was granted in said proceeding, the charge-sheet was already filed. Thus, due to aforesaid technical difficulty, present proceeding is filed for relief of quashing the

charge-sheet. Reasons are already given by this Court in the said proceedings. For the same reasons, relief needs to be granted in favour of the applicants in the present proceedings also.

5. In the result, application is allowed in terms of prayer clause "B".

6. Rule is made absolute in above terms.

7. Fees of the learned counsel appointed on behalf of the respondent-first informant is quantified at Rs.3000/- (Rs. Three Thousand Only) which is to be paid through High Court Legal Services Authority, Sub-Committee, Aurangabad.

(SMT. VIBHA KANKANWADI, J.) (T.V. NALAWADE, J.)

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