

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Writ Petition No.190 of 2013
(Chandrakant Gangadhar Patil and Ors. vs. State and Ors.)

 Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Mr.Abhijit Deshpande, Advocate for the petitioners.
 Mrs.Ketki Joshi, A.P.P. for respondent Nos. 1, 2 and 7.
 Mr.S.V.Sirpurkar, Advocate for respondent no.3.
 Mr.A.K.Choube, Advocate for respondent no.4.
 Mr.S.A.Sahu, Advocate h/f. Mr.M.I.Dhatrak, Advocate
 for respondent no.6.
 Mr.V.B.Gawali, Advocate for respondent no.5.

CORAM : P. N. DESHMUKH &
 M. G. GIRATKAR, JJ.

DATE : 5.7.2018.

Heard Mr.Abhijit Deshpande, learned Counsel for the petitioners, Mrs.Ketki Joshi, learned A.P.P. for respondent nos. 1, 2 and 7, Mr.S.V.Sirpurkar, learned Counsel for respondent no.3, Mr.A.K.Choube, learned Counsel for respondent no.4 and Mr.S.A.Sahu, learned Counsel holding for Mr.M.I.Dhatrak, learned Counsel for respondent no.6. Also perused the documents filed in support of the petition, particularly, copy of Criminal Application (APL) No.727 of 2014 filed by respondent nos. 3 and 6, under Section 482 of the Code of Criminal Procedure for quashing of various proceedings.

For the purpose of convenience, prayer clause in that application are re-produced below :

“1.quash the Regular Criminal Case No.1839/2014, pending against the applicant no.1, before the learned CJM, Aurangabad, under section 498-A of IPC (Old No.RCC No.169/2009 pending before JMFC, Hadgaon, Dist. Nanded);

2.quash the First Information Report in Crime No.1/2013 under section 384, 385, 109 of I.P.C., pending investigation at Police Station, Washim.

3.quash the First Information Report in Crime No.37/2013, pending investigation under section 195-A, 507 and 109 of the Indian Penal Code, at Police Station, Washim

4.after granting prayer clause (2) and (3), this Hon'ble Court be pleased to dispose of criminal Writ Petition No.190/2013, pending before this Hon'ble Court, as infructuous.

5.quash and set aside the proceedings initiated under Domestic Violence Act, vide Cri. Case no.346/2012, pending before the C.J.M., Aurangabad;

6.quash and set aside proceedings for maintenance under Section 125 of the Code of Criminal Procedure in Petition No.E-266/2014 pending before the Family Court, Aurangabad.

7.allow this application and grant any other relief which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.”

Admittedly, said application came to be allowed by order dt.21.11.2014 passed by this Court. The Court has made rule absolute in terms of prayer clauses 1 to 6. In that view of the matter, Regular Criminal Case No.1839 of 2014, F.I.R. No.1 of 2013 and F.I.R. No.37 of 2013 are quashed and set aside. According to prayer clause (4), it was prayed that, after quashing of above proceedings, Criminal Writ Petition No.190 of 2013 be disposed of as infructuous.

In the light of above facts, learned Counsel for respondent no.5, on the basis of whose complaint, F.I.R. No.37 of 2013 came to be registered, makes a statement that though present petitioners were not party to the proceedings initiated by applicants in Criminal Application No.727 of 2014 (respondent nos.3 and 6 in present petition), said complaint is not prosecuted and in fact, cannot prosecute the petitioners as F.I.R. is already quashed by this Court. Statement made as aforesaid is recorded as admitted.

Similarly, with regards to prayer clauses (D) and (E) in the present petition, learned Counsel appearing for respondent no.4 makes a similar statement that, in view of quashing of F.I.R. No.1 of 2013, all connected proceedings initiated by respondent no.4 with reference to investigation of said crime against the petitioners automatically stand

redundant and in that view of the matter, we do not find any substance in the petition, particular in view of the statement recorded as aforesaid. Petition is accordingly disposed of. Even otherwise, according to affidavit of petitioners dt.21.6.2018, prayer clauses (B) and (C) in the petition are not pressed. In that view of the matter, the entire petition is worked out and stands disposed of in above terms with no orders as to costs.

JUDGE

JUDGE

**jaiswal*