

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

CRIMINAL APPLICATION NO. 6 OF 2019

1. Gajanan Laxmanrao Gadewar
Age: 32 years, Occu.: Agri.,
R/o Dahi Sawali, Tq. Mahagaon,
Dist. Yavatmal
2. Nalini Laxmanrao Gadewar
Age: 65 years, Occu.: Household,
R/o Dahi Sawali, Tq. Mahagaon,
Dist. Yavatmal
3. Shivanand Laxmanrao Gadewar
Age: 30 years, Occu.: Service,
R/o Dahi Sawali, Tq. Mahagaon,
Dist. Yavatmal
4. Deepika Devidas Mamilwar
Age: 32 years, Occu.: Agri.,
R/o Dahi Sawali, Tq. Mahagaon,
Dist. Yavatmal
5. Seema Amol Nalamwar
Age: 37 years, Occu.: Agri.,
R/o Dahi Sawali, Tq. Mahagaon,
Dist. Yavatmal
6. Minakshi Laxmanrao Gadewar
Age: 40 years, Occu.: Agri.,
R/o Dahi Sawali, Tq. Mahagaon,
Dist. Yavatmal

..APPLICANTS

VERSUS

1. State of Maharashtra
Through Police Inspector
Police Station, Mukhed, Dist. Nanded

2. Shubhangi Gajanan Gadewar
Age: 25 years, Occu.: Household,
R/o Mandalapur, Tq. Hukhed,
Dist. Nanded

..RESPONDENTS

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Mr. K.A. Kale, Advocate h/f Mr. A.S. Kale, Advocate for applicants
Mr. D.R. Kale, A.P.P. for respondent no.1 – State
Mr. M.K. Bhosale, Advocate for respondent no.2
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**CORAM : S.S. SHINDE AND
R.G. AVACHAT, JJ.
DATED : 24th JANUARY, 2019**

ORAL JUDGMENT (PER : S.S. SHINDE, J.)

Rule. Rule made returnable forthwith. Heard finally with the consent of the parties.

2. This Court, on 22nd January, 2019 has passed the following order :-

“Learned Counsel for applicant no.1 and learned Counsel for respondent no.2 state that applicant no.1 (husband) and respondent no.2 (wife) have amicably settled the dispute by way of compromise. Learned Counsel for respondent no.2 submits that respondent no.2 is not interested to proceed with the allegations made in the FIR, impugned in this application. Both the learned Counsel jointly submit that the FIR may be quashed on the basis of the settlement arrived at between applicant no.1 and respondent no.2.

2. *We have interacted with applicant no.1 (husband) and respondent no.2 (wife), who are present in the Court. Upon making a specific query to respondent no.2, as to whether she wants to settle the dispute voluntarily or is there any coercion, she states that she wants to settle the dispute voluntarily without any coercion.*

3. *Since applicant no.1 and respondent no.2 have not filed affidavit before this Court that they wish to amicably settle/compromise the dispute, we grant liberty to them to file the affidavit. Such an affidavit be filed on or before 23.01.2019.*

4. *Registry to accept the affidavit, if filed. List the matter on 24.01.2019.”*

3. Pursuant to said order, Applicant No.1 and Respondent No.2 have placed on record compromise deed / consent terms of compromise. It is stated in the said affidavit that Applicant No.1 and Respondent No.2 have arrived at amicable settlement and decided to file divorce petition taking recourse to Section 13(B) of Hindu Marriage Act, and accordingly said proceedings have already been instituted and numbered as H.M.P. No. 51 of 2018. It is also stated that the applicants have already withdrawn the criminal case lodged by them against Respondent No.2 and her relatives bearing Crime No. 191 of 2017, for the offences punishable under Sections 143, 342, 394, 323, 506, 364-A and 365 of the Indian Penal Code with Police Station Mahagaon, Dist. Yavatmal. Respondent No.2 has also

agreed to withdraw all the allegations against the applicants and she does not want to proceed further with the proceeding i.e. R.C.C. No. 46 2018, pending on the file of Judicial Magistrate First Class, Mukhed, Dist. Nanded against the applicants. There are other terms of compromise which are mentioned in the said affidavit. We need not reproduce the said terms since affidavit itself is taken on record.

4. Since Applicant No.1 and Respondent No.2 have amicably settled the dispute and instituted appropriate proceeding before the Court of Civil Judge Senior Division, Pusad for dissolution of marriage, in that view of the matter, no fruitful purpose will be served by keeping the present application pending or further continuation of proceeding in R.C.C. No. 46 of 2018 registered on 04th April, 2018. Further continuation of proceedings would amount to abuse of process of Court, in as much as, Respondent No.2 is not going to support the allegations made in the F.I.R. and also not willing to continue in the aforesaid proceedings.

5. Already we have interrogated with Applicant no.1 and Respondent No.2, on the last date of hearing, and we have recorded our satisfaction that it is voluntary act of Applicant No.1 and Respondent No.2 to arrive at such amicable settlement. In that light of discussion in forgoing

paragraphs, Criminal Application is allowed in terms of prayer clauses (B) and (C). Rule is made absolute. Criminal Application is disposed of accordingly.

(R.G. AVACHAT, J.)

SSD

(S.S. SHINDE, J.)