

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

CRIMINAL WRIT PETITION 73 OF 2019

Shaikh Hanif S/o Ibrahim,
Age 46 years, Occu. Social Work,
R/H No.912/913, Pensionpura,
Galli No.2, Chavni Road,
Near Choti Masjid, Aurangabad.
Tq. & District Aurangabad.

... **Petitioner.**

Versus

1. The State of Maharashtra,
Through Police Station Chavani,
Aurangabad, District Aurangabad.
2. Asma @ Ayesha Sk. Abdul,
Age 32 years, Occu : Household,
R/o Ansar Colony, Padhegaon,
Cantonment, Chavani,
Aurangabad, District Aurangabad. ... **Respondents.**

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Mr. K.C.Sant, Advocate for Petitioner.
Mr. S.B.Yawalkar, APP for Respondent-State.
Mr. Shafique Ahmed, Advocate for Respondent No.2
(appointed).

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**CORAM : T.V.NALAWADE AND
MANGESH S. PATIL, JJ.**

DATE : 2nd May, 2019

ORAL JUDGMENT (PER T.V.NALAWADE J.) :-

1. Rule. Rule made returnable forthwith. By consent,
heard both the sides for final disposal.
2. The proceeding is filed for relief of quashing and setting

aside of Crime No.396 of 2018 registered with Chhavni Police Station, Aurangabad for the offences punishable under Section 376, 323, 504 and 506 of IPC.

3. During arguments, the learned counsel for the first informant submitted that the parties were in relationship and they have settled the dispute amicably. He submitted that the prosecutrix has wants to give evidence against the petitioner. Affidavit to that effect is filed on record of the first informant. In view of the nature of allegations and aforesaid circumstances, this Court holds that nothing can be achieved by asking the present petitioner to face the trial for aforesaid offences.

4. Petition is allowed. Relief is granted in terms of prayer clause-A. Rule is made absolute in those terms.

5. Fees of the learned Advocate Mr. Shafique Ahmed appointed on behalf of Respondent No.2 is quantified as Rs. 3,000/ (Rupees Three thousand), which would be payable by the High Court Legal Services Sub - Committee at Aurangabad.

(MANGESH S. PATIL, J.)

(T.V.NALAWADE, J.)

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vmk/-